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OHIO STATE UNIVERSITY.

PRESENTED BY F. F. Green.

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OHIO STATE UNIVERSITY

PROPOSAL No. 2

PROPOSED CHARTER FOR THE CITY OF COLUMBUS

PREAMBLE.

We, the people of the City of Columbus, in order to secure and exercise the powers of local self government under the Constitution of the State of Ohio, do enact and ordain this charter.

POWERS OF CITY.

Section 1. The inhabitants of the City of Columbus, as its limits now are, or may hereafter be, shall continue to be a body politic and corporate by name The City of Columbus, and as such shall have perpetual succession. It shall have all powers that now are, or hereafter may be granted to municipalities by the constitution or laws of Ohio; and all such powers whether expressed or implied, shall be exercised and enforced in the manner prescribed by this charter, or when not prescribed herein, in such manner as shall be provided by ordinance or resolution of the Council. In the absence of such provision as to any power, such power shall be exercised in the manner now or hereafter prescribed by the general laws of the state applicable to municipalities.

Section 2. The enumeration of particular powers by this charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the city shall have, and may exercise all other powers which, under the constitution and laws of Ohio, it would be competent for this charter specifically to enumerate.

THE COUNCIL.

Legislative Powers.

Section 3. The legislative power of the city, except as reserved to the people by this charter, shall be vested in a council, consisting of seven members elected at large.

Councilmen.

Section 4. All councilmen shall serve for a term of four years; except, that at the first election the four candidates having the highest number of votes shall serve for four years, and the three candidates having the next highest number of votes shall serve for two years.

Vacancies.

Section 5. Vacancies in the council shall be filled by the council for the remainder of the unexpired term, but any vacancy resulting from a recall election shall be filled in the manner hereinafter provided.

Qualifications of Councilmen.

Section 6. Members of the council shall be residents of the city and have the qualifications of electors therein. Councilmen shall not hold any other public office or employment, except that of notary public or member of the state militia, and except as provided in section 64 of this charter, and shall not be interested in the profits or emoluments of any contract, job, work or service for the municipality. Any member who shall cease to possess any of the qualifications herein required shall forthwith forfeit his office, and any such contract in which any member is or may become interested may be declared void by the council.

Salary and Attendance.

Section 7. Each member of the council shall receive a salary of One Thousand Dollars a year, payable in equal monthly installments; provided, however, that for each absence of a councilman from a regular meeting of the council, there shall be deducted a sum equal to two per cent. of his annual salary. Absence from five consecutive regular meetings shall operate to vacate the seat of a member unless the absence is excused by resolution of council setting forth such excuse and entered upon the journal.

Meetings of Council.

Section 8. At eight o'clock P. M. on the first Monday in January, following a regular municipal election, the council shall meet at the usual place for holding meetings, at which time the newly elected councilmen shall assume the duties of their office. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution; provided at least fifty regular meetings shall be held in each year. The mayor, the president of the council, or any three members thereof may call special meetings of the council upon at least

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twelve (12) hours' written notice to each member of the council, served personally on each member or left at his usual place of residence. Such notice shall state the subjects to be considered at the meeting and no other subjects shall be there considered unless all members of council are present. All meetings of the council or committees thereof shall be public and any citizen shall have access to the minutes and records thereof at all reasonable times.

Section 9. The council shall determine its own rules and order of business and shall keep a journal of its proceedings. It may punish or expel any member for disorderly conduct or violation of its rules. No expulsion shall take place without the concurrence of six members, nor until the delinquent member shall have been notified of the charge against him and been given an opportunity to be heard.

President of Council.

Section 10. At the first meeting in January following a regular municipal election, the council shall elect one of its members president, who shall preside at meetings of the council and perform such duties as presiding officer as may be imposed upon him by the council. In the absence of the president, the council shall elect a president pro tempore.

Clerk and Employes.

Section 11. The council shall choose a clerk, who shall be known as the City Clerk, and such other officers and employes of council as may be necessary. The clerk shall keep the records of the council and perform such other duties as may be required by this charter or by the council. All such officers and employes shall serve during the pleasure of the council. Council shall exercise no power of appointment except as herein expressly provided.

Public Defender.

Section 12. Council shall have power to provide for the appointment, by the director of public safety, of a public defender of indigent persons charged with offenses in the municipal courts.

The City Treasurer.

Section 13. Council shall appoint a city treasurer who shall hold and administer his office during its pleasure. The treasurer shall perform such duties and exercise such powers as are prescribed in this charter.

Officers and Employes.

Section 14. Council shall by ordinance determine the number of officers, and employes in each department of the city government.

Compensation of Officers and Employes.

Section 15. Subject to the provisions of this charter as to the salary of councilmen and mayor, council shall fix by ordinance, the salary or compensation of all officers and employes of the city government. The salary or compensation so fixed shall be uniform for like service. All such salaries and rates of pay shall be reported to the civil service commission forthwith. The salary of any officer, employe, or member of a board or commission in the unclassified service of the city shall not be increased or diminished during the term for which he was elected or appointed, and all fees pertaining to any office shall be paid into the city treasury.

Official Bonds.

Section 16. The council may determine whether any officer or employe shall give a bond, and the amount thereof; which bond shall be given by such officer or employe with surety to the approval of the mayor. Council may by general ordinance provide for the payment, by the city, of the premiums, if any, on such bonds.

Legislative Procedure.

Section 17. The council shall be the judge of the election and qualification of its members. Four members shall constitute a quorum to do business, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

Section 18. The affirmative vote of at least four members of council shall be necessary to adopt any ordinance or resolution. The vote upon the passage of all ordinances, and upon the adoption of such resolutions as the council by its

rules shall prescribe, shall be taken by "yeas" and "nays" and entered upon the journal.

Ordinance Enactment.

Section 19. Each proposed ordinance or resolution shall be introduced in written or printed form, and shall not contain more than one subject which shall be clearly stated in a title; but general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. The enacting clause of all ordinances passed by the council shall be, "Be it Ordained by the Council of the City of Columbus." The enacting clause of all ordinances submitted by the initiative shall be, "Be it Ordained by the People of the City of Columbus."

Section 20. No ordinance, unless it be declared an emergency measure, shall be passed until it has been read at two regular meetings not less than one week apart, or the requirement of such reading has been dispensed with by an affirmative vote of five members of council.

Section 21. No ordinance or resolution or section thereof shall be revised or amended, unless the new ordinance or resolution contains the entire ordinance or resolution or section revised or amended, and a repeal of the original ordinance, resolution, section or sections so amended.

Emergency Measures.

Section 22. All ordinances and resolutions shall be in effect from and after thirty (30) days from the date of their passage by the council except as otherwise provided in this charter. The council may, by a vote of six of its members, pass emergency measures to take effect at the time indicated therein. An emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health, or safety, or providing for the usual daily operation of a municipal department, in which the emergency is set forth and defined in a preamble thereto.

Section 23. Ordinances appropriating money may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall ever be so passed.

Section 24. Any ordinance or resolution passed by the council shall be signed by the president or other presiding officer and presented forthwith to the mayor by the city clerk. If the mayor approve such ordinance or resolution he shall sign it within ten (10) days after its passage or adoption by the council; but if he do not approve it, he shall within said ten days return it, together with his objections to the city clerk, who shall transmit the same to the council at the next regular meeting thereof; which objections the council shall cause to be entered in full on its journal. The mayor may approve or disapprove the whole; or any item or part, of an ordinance or resolution appropriating money. If the mayor do not sign or veto an ordinance or resolution after its passage or adoption, within the time specified, it shall take effect in the same manner as if he had signed it.

Section 25. When the mayor refuses to sign an ordinance or resolution or part thereof and returns it to the council with his objections, the council shall, after the expiration of not less than one week, proceed to reconsider it and if upon reconsideration, the resolution or ordinance or part or item thereof disapproved by the mayor be approved by council, by the same majority as required for its original passage, it shall take effect without the signature of the mayor. In all such cases the votes shall be taken by "yeas" and "nays" and entered on the journal.

Mayor's Estimate.

Section 26. The fiscal year of the city shall begin on the first day of January. On or before the fifteenth day of November in each year the mayor shall prepare and submit to council an estimate of the expense of conducting the affairs of the city for the following fiscal year. This estimate shall be compiled from detailed information obtained from the various departments, on uniform blanks prepared by the city auditor, and shall set forth:

(a) An itemized estimate of the expense of conducting each department during the next fiscal year.

[illegible]

Emergency Measures

[illegible]

Section 24. [illegible] ordinance [illegible] passed by the [illegible]

Section 25. When the [illegible]

Mayor's Estimate

Section 26. The fiscal year [illegible] shall begin on the first day of January [illegible] day of [illegible] by in each year the mayor shall [illegible] submit to [illegible] an estimate of the expense [illegible] the [illegible] for the [illegible]. This estimate shall [illegible] from detailed information [illegible] from the [illegible] departments on uniform blanks prepared by the city auditor [illegible] shall [illegible] the [illegible] of conducting each department during the next fiscal year.

(b) Comparisons of such estimates with the corresponding items of expenditure for the last two complete fiscal years, and with the expenditures of the current fiscal year plus an estimate of expenditures necessary to complete the current fiscal year.

(c) Reasons for proposed increases or decreases in such items of expenditure compared with the current fiscal year.

(d) A separate schedule for each department showing the things necessary for the department to do during the ensuing year and which of any desirable things it ought to do if possible.

(e) Items of pay roll increases either as additional pay to present employes, or pay for more employes.

(f) A statement from the city auditor of the total probable income of the city from taxes for the period covered by the mayor's estimate.

(g) An itemization of all anticipated revenue from sources other than the tax levy.

(h) The amounts required for interest on the city's debt, and for sinking funds as required by law.

(i) The total amount of outstanding city debt with a schedule of maturities of bond issues.

(j) Such other information as may be required by the council.

Upon the filing of such estimate the council shall cause at least two hundred (200) copies thereof to be printed for distribution to citizens who may call for them. Copies of the estimate shall also be furnished to the newspapers of the city, and to the public library and each of its branches.

Appropriation Ordinance.

Section 27. Upon receipt of the mayor's estimate the council shall at once prepare an appropriation ordinance, in such manner as may be provided by ordinance or resolution, using the mayor's estimate as a basis. Provision shall be made for public hearings upon such ordinance before the council sitting as a committee of the whole. Following the public hearings and before the second reading and final passage, such ordinance shall be published in the manner herein provided for the publication of ordinances, with a separate schedule setting forth the items asked for in the mayor's estimate which were refused or changed by the council, and the reasons for such change or refusal. The council shall not pass the appropriation ordinance until fifteen (15) days after its publication nor before the first Monday in January. Upon passage of the appropriation ordinance by the council it shall be published in the manner provided for other ordinances.

Transfer of Funds.

Section 28. The council may at any time, with the approval of the mayor, transfer money so appropriated for the use of one department, division, or purpose to any other department, division or purpose; but no such transfer shall be made of money derived from the sale of bonds or of revenues or earnings of any non-tax supported public utility.

Supplementary Appropriation.

Section 29. Any accruing revenue of the city, not appropriated as hereinbefore provided, may from time to time be appropriated by the council to such authorized uses as it may by ordinance determine.

Limitation on Appropriations.

Section 30. No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to appropriations made by the council; and whenever an appropriation is so made the city clerk shall forthwith give notice to the city auditor. At the end of each year all unexpended balances of appropriations not covered by outstanding contracts shall revert to the respective funds from which the same were appropriated and shall then be subject to future appropriation. Appropriations may be made in furtherance of improvements or other objects or work of the city which will not be completed within the current year.

Section 31. Moneys appropriated as hereinbefore provided shall not be used for other purposes than those designated in the appropriation ordinance. The mayor and the city auditor shall supervise all departmental expenditures, and shall keep such expenditures within the appropriations.

Section 32. Any unexpended balance remaining in a fund which was created by an issue of bonds the whole or any part of which issue is still outstanding unpaid and unprovided for, shall, when such balance is no longer needed for the purpose for which said fund was created, be transferred to the trustees of the sinking fund to be applied in the payment of said bonds and the interest thereon.

Investigation by Council.

Section 33. The council, or any committee thereof duly authorized by the council so to do, may investigate the financial transactions of any office or department of the city government and the official acts and conduct of any city official, relative to any matter upon which the council may act; and by similar investigations may secure information upon any matter within its authority as a legislative body.

Section 34. In conducting such investigations the council, or any committee thereof, may compel the attendance of witnesses and the production of books, papers and other evidence, and for that purpose may issue subpoenas or attachments which shall be signed by the presiding officer of the council or the chairman of such committee, as the case may be, which may be served and executed by any officer authorized by law to serve subpoenas and other process. If any witness shall refuse to testify to any facts within his knowledge or to produce any papers or books in his possession, or under his control, relating to the matter under inquiry, before the council, or any such committee, the council shall have the power to cause the witness to be punished as for contempt. No witness shall be excused from testifying touching his knowledge of the matter under investigation in any such inquiry, but such testimony shall not be used against him in any criminal prosecution except for perjury committed upon such inquiry.

Ordinances—Filing and Publication.

Section 35. Every ordinance or resolution upon its final passage shall be recorded in a book kept for that purpose, and shall be authenticated by the signature of the presiding officer and the city clerk. Every ordinance or resolution shall be published at least once in the City Bulletin within ten (10) days after its final passage and no other publication shall be required.

INITIATIVE AND REFERENDUM.

The Initiative.

Section 36. Any proposed ordinance may be submitted to the council by a petition signed by at least six per cent. of the registered electors of the city. All petition papers, circulated with respect to any proposed ordinance, shall be uniform in character and shall contain the proposed ordinance in full, and have printed thereon the names and addresses of at least five electors who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for the purposes hereinafter named.

Section 37. Each signer of a petition shall sign his name in ink or indelible pencil, and shall place on the petition paper after his name his place of residence by street and number. The signatures to any such petition need not all be appended to one paper, but to each such paper there shall be attached an affidavit by the circulator thereof stating the number of signers to such part of the petition and that each signature appended to the paper is the genuine signature of the person whose name it purports to be, and was made in the presence of the affiant.

Section 38. All papers comprising a petition shall be assembled and filed with the city clerk as one instrument. Within ten (10) days from the filing of a petition said clerk shall ascertain whether it is signed by the required number of registered electors. Upon the completion of his examination the city clerk shall endorse upon the petition a certificate of the result thereof.

Section 39. If the city clerk's certificate show that the petition is insufficient he shall at once notify each member of the committee of the petitioners, hereinbefore provided for, and the petition may be amended at any time within fifteen (15) days from the date of the said clerk's certificate of examination, by filing with him an additional petition paper or

papers in the same manner as provided for the original petition.

Section 40. Upon the filing of such an amendment the city clerk shall, within ten (10) days thereafter, examine the amended petition and attach thereto his certificate of the result. If still insufficient, or if no amendment shall have been filed, he shall file the petition in his office and shall notify each member of the committee of that fact. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Section 41. When the certificate of the city clerk shows the petition to be sufficient, he shall submit the proposed ordinance to the council at its next regular meeting and the council shall at once read and refer the same to an appropriate committee, which may be the committee of the whole. Provision shall be made for public hearings upon the proposed ordinance before the committee to which it is referred. Thereafter the committee shall report the proposed ordinance to the council, with its recommendations thereon, not later than the third regular meeting of the council following that at which the proposed ordinance was submitted to the council by the City clerk.

Section 42. Upon receiving the proposed ordinance from the committee, the council shall at once proceed to consider it and shall take final action thereon within thirty (30) days from the date of such committee report. If the council reject the proposed ordinance, or pass it in a form different from that set forth in the petition or fail within the time above limited to take any action hereon, the committee of the petitioners may require that it be submitted to a vote of the electors in its original form, or that it be submitted to a vote of the electors with any proposed change, addition or amendment,, which was presented in writing either at a public hearing before the committee to which such proposed ordinance was referred, or during the consideration thereof by the council.

Section 43. When an ordinance proposed by petition is to be submitted to a vote of the electors the committee of the petitioners shall certify that fact and the proposed ordinance to the city clerk within ten (10) days after the final action on such proposed ordinance by the council.

Section 44. Upon receipt of the certificate and certified copy of the proposed ordinance, the city clerk shall certify the fact to the council at its next regular meeting. If an election is to be held not more than six months nor less than thirty (30) days after the receipt of such certificate by the council, such proposed ordinance shall then be submitted to a vote of the electors. If no such election is to be held within the time aforesaid the council may provide for submitting the proposed ordinance to the electors at a special election. If a supplemental petition, signed by six per cent. of the registered electors, in addition to those who signed the original petition, be filed with the city clerk asking that the proposed ordinance be submitted to the voters at a time indicated in such petition, the council shall provide for a special election at such time.

Section 45. The sufficiency of any such supplemental petition shall be determined, and it may be amended, in the manner provided for original petitions for proposing ordinances to the council. If no other provision be made as to the time of submitting a proposed ordinance to a vote of the electors, it shall be submitted at the next election.

Section 46. The ballots used when voting upon any such proposed ordinance shall state the title of the ordinance to be voted on and below it the two propositions, "For the ordinance" and "Against the ordinance." Immediately at the right of each proposition there shall be a square in which by making a cross (X) the voter may vote for or against the proposed ordinance. If a majority of the electors voting on any such proposed ordinance shall vote in favor thereof, it shall thereupon become an ordinance of the city.

Section 47. Proposed ordinances for repealing any existing ordinance or ordinances in whole or in part may be submitted to the council as provided in the preceding sections for initiating ordinances. Initiated ordinances adopted by the electors shall be published as in the case of other ordinances.

Amendments and Repeals.

Section 48. No ordinance adopted by an electoral vote can be repealed or amended except by an electoral vote. But an ordinance to repeal or amend any such ordinance may, by resolution of the city council, be submitted to an electoral vote at any regular election, or at any special municipal election called for some other purpose, provided notice of the intention so to do be published by the council not more than sixty nor less than thirty days prior to such election, in the manner required for the publication of ordinances. If an amendment is so proposed, such notice shall contain the proposed amendment in full. Such submission shall be in the same manner, and the vote shall have the same effect, as in cases of ordinances submitted to an election by popular petition.

The Referendum.

Section 49. No ordinance passed by the council, except as otherwise provided by this charter, shall go into effect until thirty (30) days after its final passage by the council. If, at any time, within said thirty (30) days a petition signed by at least twelve per cent (12%) of the registered electors of the city be filed with the city clerk requesting that any such ordinance be repealed or submitted to a vote of the electors, it shall not become operative until the steps indicated herein have been taken.

Section 50. When such a petition is filed with the city clerk he shall determine the sufficiency thereof in the manner provided in this charter. If the petition be found sufficient, or be rendered sufficient by amendment as provided in sections 39, 40 and 41 hereof, the city clerk shall certify that fact to the council, which shall proceed to reconsider the ordinance. If, upon such reconsideration, the ordinance be not entirely repealed, the council shall provide for submitting it to a vote of the electors, and in so doing the council shall be governed by the provisions of sections 44, 45 and 46 hereof respecting the time of submission and manner of voting on ordinances proposed to the council by petition. If when submitted to a vote of the electors any such ordinance be not approved by a majority of those voting thereon, it shall be deemed repealed.

Section 51. Referendum petitions need not contain the text of the ordinance, the repeal of which is sought, but refer to such ordinance and date of passage they shall be subject in all other respects to the requirements for petitions submitting proposed ordinances to the council. Ballots used in referendum elections shall conform in all respects to those provided for in section 46 of this charter.

Ordinances.

Section 52. Ordinances submitted to the council by initiative petitions and passed by the council without change, or passed in an amended form and not required to be submitted to a vote of the electors by the committee of the petitioners, shall be subject to the referendum in the same manner as other ordinances.

Conflicting Ordinances.

Section 53. If the provisions of two or more ordinances adopted or approved at the same election conflict, the ordinance receiving the highest affirmative vote shall prevail.

Referendum on emergency measures.

Section 54. Ordinances passed as emergency measures shall be subject to referendum in like manner as other ordinances, except that they shall go into effect at the time indicated in such ordinance. If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action thereunder; but such measure so repealed shall be deemed sufficient authority for payment, in accordance with the ordinance, of any expense incurred previous to the referendum vote thereon.

When Referendum Does not Apply.

Section 55. The following ordinances or measures shall not be subject to the referendum, but shall go into effect at the time indicated therein:

(a) The annual appropriation ordinance.

(b) In all cases where council is required to pass more than one ordinance or other measure to complete the legisla-

tion necessary to make and pay for any public improvement, the referendum shall apply only to the first ordinance or measure required to be passed and not to any subsequent ordinances or measures relating thereto, and said first ordinance or measure shall clearly state the purpose and general scope of the improvement.

(c) Ordinances, resolutions or measures providing for the approval or disapproval of appointments or removals by the mayor.

(d) Actions by the council on the approval of official bonds.

(e) Ordinances or resolutions providing for the submission of any propostion to a vote of the electors.

Referendum—Preliminary Action.

Section 56. In case a petition be filed requiring that a measure passed by the council providing for an expenditure of money, a bond issue, or a public improvement be submitted to a vote of the electors, all steps preliminary to such actual expenditure, actual issuance of bonds, or actual execution of a contract for such improvement, may be taken prior to the election.

THE EXECUTIVE.

Executive and Administrative Powers.

Section 57. The executive and administrative powers of the city shall be vested in the mayor, directors of departments and other administrative officers and boards provided for in this charter or by ordinance.

Term and Qualifications of Mayor.

Section 58. The mayor shall be the chief executive officer of the city. He shall be elected for a term of four years. The mayor shall be an elector of the city and shall not hold any other public office or employment, except that of notary public or member of the state militia.

Salary of Mayor.

Section 59. The salary of the mayor shall be Five Thousand Dollars ($5000) per annum; but said salary may be changed by ordinance of council, provided that such ordinance must be passed at least one (1) year prior to the beginning of the term of the mayor to be affected thereby.

Mayor's Appointing Power.

Section 60. The mayor shall appoint and shall have power to remove the following officers:

1. The Director of Public Safety.
2. The Director of Public Service.
3. The Chief of the Division of Police.

4. Any other officers whose positions may be created by council and for whose appointment no provision is herein made.

Section 61. With the concurrence of council, the mayor shall appoint and may remove four members of the board of health, the library trustees, the sinking fund trustees, the members of the civil service commission and the members of any advisory commission provided for by council.

General Powers and Duties of Mayor.

Section 62. It shall be the duty of the mayor to act as chief conservator of the peace within the city; to supervise the administration of the affairs of the city; to see that all ordinances of the city are enforced; to recommend to the council for adoption such measures as he may deem necessary or expedient; to keep the council advised of the financial condition and the needs of the city; to prepare and submit to the council such reports as may be required by that body, and to exercise such powers and perform such duties as are conferred or required by this charter or by the laws of the state in so far as they are consistent with this charter or by such laws of the state as it is beyond the competency of this charter to supersede.

Mayor's Investigation.

Section 63. The mayor may without notice, cause the affairs of any department or the conduct of any officer or employe to be examined. Any person or persons appointed

by the mayor to examine the affairs of any department or the conduct of any officer, or employe, shall have the same power to compel the attendance of witnesses, and the production of books and papers and other evidence and to cause witnesses to be punished for contempt, as is conferred upon the council by this charter.

Succession to Mayor—Acting Mayor.

Section 64. If the mayor die, resign or remove his residence from the city during the term of his office he shall be succeeded in office, until the first day of January following the next regular municipal election, by the president of the council who shall thereby cease to be a member of council. At the next regular municipal election following the death, resignation or removal of the mayor from the city, if such election be the time for the regular election of a mayor, a mayor shall then be elected to serve for a term of four years; otherwise, for the remainder of the unexpired term. If the mayor be temporarily absent from the city, or become temporarily disabled from any cause his duties shall be performed during such absence or disability by the president of the council, under the title of acting mayor.

Mayor's Right in Council.

Section 65. The mayor, the directors of public service and public safety, the city attorney and the director of any other department that may hereafter be established by ordinance, shall be entitled to seats in the council, Neither the mayor nor the director of any department, nor the city attorney, shall have a vote in the council, but the mayor shall have the right to introduce ordinances and to take part in the discussion of all matters coming before the council; and the directors and city attorney shall be entitled to take part in all discussions in the council relating to their respective departments.

THE CITY ATTORNEY.

Election and Qualifications.

Section 66. The city attorney shall be an elector of the city and be elected for a term of four years, excepting that at the first election under this charter he shall be elected for a term of two years. He shall be an attorney-at-law, admitted to practice in the State of Ohio.

Powers and duties.

Section 67. He shall be the legal adviser of and attorney and counsel for the city, and for all officers and departments thereof in matters relating to their official duties. He shall prosecute or defend all suits for and in behalf of the city, and shall prepare all contracts, bonds and other instruments in writing in which the city is concerned and shall endorse on each his approval of the form and correctness thereof. He may appoint such assistants, secretaries and clerks as council may authorize.

Section 68. The city attorney shall be the prosecuting attorney of the municipal court. He may detail such of his assistants as he may deem proper to assist in such work. He shall prosecute all cases brought before such court and perform the same duties, so far as they are applicable thereto, as are required of the prosecuting attorney of the county.

Section 69. The city attorney shall prosecute or defend for and in behalf of the city, all complaints, suits and controversies in which the city is a party, and such other suits, matters and controversies relating to city affairs as he shall, by resolution or ordinance of council, be directed to prosecute or defend.

Section 70. The council, the director of any department, or any officer, board, or commission not included within a department, may by request in writing, require the opinion of the city attorney upon any question of law involving their respective powers or duties.

Section 71. The city attorney shall apply, in the name of the city, to a court of competent jurisdiction for an order of injunction to restrain the misapplication of funds of the city, or the abuse of its corporate powers, or the execution or performance of any contract made in behalf of the city in contravention of law, or which was procured by fraud or corruption.

Section 72. When an obligation or contract made on be-by the power to examine the affairs of any department or the conduct of any officer or employe, shall have the same power to compel the attendance of witnesses and the production of books and papers and other evidence and to cause witnesses to be punished for contempt as is conferred upon the council by this charter.

Successor to Mayor—Acting Mayor.

Section 64. If the mayor die, resign or be removed from office or be absent from the city during the term of his office, he shall be succeeded in office, until the first day of January following the next regular municipal election, by the president of the council who shall thereby cease to be a member of council. At the next regular municipal election following the death, resignation or removal of the mayor from the city, if such occurs prior to the time for the regular election of a mayor, a mayor shall then be elected to serve for a term of four years, or for the remainder of the unexpired term. If the mayor be temporarily absent from the city, or become temporarily disabled from any cause his duties shall be performed during such absence or disability by the president of the council under the title of acting mayor.

Directors' Right in Council.

Section 65. The mayor, the directors of public service and public safety, the city attorney and the directors of any other department that may hereafter be established by ordinance shall be entitled to seats in the council. Neither the mayor nor the director of any department nor the city attorney shall have a vote in the council, but the mayor shall have the right to introduce ordinances and to take part in the discussion of all matters coming before the council, and the directors and city attorney shall be entitled to take part in all discussions in the council relating to their respective departments.

THE CITY ATTORNEY

Election and Qualifications.

Section 66. The city attorney shall be an elector of the city and be elected for a term of two years, excepting that at the first election under this charter he shall be elected for a term of [illegible] years. He shall be an attorney at law, admitted to practice in the State of Ohio.

Powers and duties.

Section 67. He shall be the legal adviser of and attorney and counsel for the city, and for all officers and departments thereof in matters relating to their official duties. He shall prosecute or defend all suits for and in behalf of the city, and shall prepare all contracts, bonds and other instruments in writing in which the city is concerned and shall endorse on each his approval of the form and correctness thereof. He shall appoint such assistants, secretaries and clerks as council may authorize.

Section 68. The city attorney shall be the prosecuting attorney of the municipal court. He may detail such of his assistants as he may deem proper to assist in such work. He shall prosecute all cases brought before such court and perform the same duties, so far as they are applicable thereto, as are required of the prosecuting attorney of the county.

Section 69. The city attorney shall prosecute or defend for and in behalf of the city, all complaints, suits and controversies in which the city is a party and such other suits, matters and controversies relating to city affairs as he shall by resolution or ordinance of council be directed to prosecute or defend.

Section 70. The council, the director of any department, or any officer, board, or commission not included within a department, may by request in writing, require the opinion of the city attorney upon any question of law involving their respective powers or duties.

Section 71. The city attorney shall apply, in the name of the city, to a court of competent jurisdiction for an order of injunction to restrain the misapplication of funds of the city, or the abuse of its corporate powers, or the execution or performance of any contract made in behalf of the city in contravention of law, or which was procured by fraud or corruption.

Section 72. When an obligation or contract made on behalf of the city granting a right or easement, or creating a public duty, is being evaded or violated, the city attorney shall likewise apply for the forfeiture or the specific performance thereof as the nature of the case requires.

Section 73. In case any officer, board, or commission fail to perform any duty required by law, the city attorney shall apply to a court of competent jurisdiction for a writ of mandamus to compel the performance of such duty.

Section 74. In case the city attorney, upon written request of any taxpayer of the city, fail to make any application provided for in the preceding three sections, such taxpayer may institute suit or proceedings for such purpose in his own name on behalf of the city. No such suit or proceeding shall be entertained by any court until such request to the city attorney shall first have been made, nor until the taxpayer shall have given security for the costs of the proceeding.

Section 75. No such action to enjoin the performance of a contract entered into, or the payment of any bonds or notes issued by the city, shall be brought or maintained unless commenced within one year from the date of such contract, bonds or notes.

Section 76. If the court hearing any such action be satisfied that the taxpayer had good cause to believe his allegations were well founded, or that they are sufficient in law, it shall make such order as the equity and justice of the case demand. In such case the taxpayer shall be allowed his costs, and if judgment be finally entered in his favor, he may be allowed as part of the costs a reasonable compensation for his attorney.

City Attorney to Act as City Solicitor.

Section 77. In addition to the duties imposed upon the city attorney by this charter or required of him by ordinance, he shall perform the duties which are imposed upon city solicitors by the general law of the state, beyond the competence of this charter to alter or require.

Successor to City Attorney.

Section 78. If the city attorney die, resign or remove his residence from the city during the term of his office, his successor in office shall be appointed by the council to serve until the first day of January following the next regular municipal election. If such election be the time for the regular election of a city attorney, a city attorney shall then be elected to serve for a term of four years; otherwise, for the remainder of the unexpired term.

THE AUDITOR.

Election and Qualifications.

Section 79. The auditor shall be an elector of the city, and be elected for a term of four years, excepting that at the first election under this charter he shall be elected for a term of two years.

Section 80. The auditor shall be the city's chief accounting officer. He shall keep, in accurate, systematized detail a record of the receipts, disbursements, assets and liabilities of the city, and the recorded facts shall be presented periodically to officials and to the public in such summaries and analytical schedules as shall be necessary to show the full effect of such transactions for each fiscal year upon the finances of the city and in relation to each department of the city government, including distinct summaries and schedules for each public utility owned or operated.

Section 81. He shall prescribe the method of keeping accounts by all departments and the forms of reports to be rendered to him.

Section 82. He shall require that daily reports be made to him by each department, showing the receipt of all moneys by such department and the disposition thereof. He shall keep an account of all appropriations made by the council and all expenditures made or contracted to be made under such appropriations.

Section 83. The auditor shall, at the end of each fiscal year, or oftener if required by council, examine and audit the accounts of all officers and departments and report such findings to the council. He shall upon the death, resignation, removal or expiration of the term of any officer, examine the accounts of such officer and if such officer be found indebted

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Section 83. The auditor shall, at the end of each fiscal year, or oftener if required by council, examine and audit the accounts of all officers and departments and report such findings to the council. He shall upon the death, resignation, removal or expiration of the term of any officer, examine the accounts of such officer and if such officer be found indebted

his possession as treasurer. In case of death, or incapacity of such treasurer, his legal representatives shall, in like manner, pay over and deliver said money and property to said successor.

Section 96. The treasurer may appoint such assistants and clerks as council may authorize.

DEPARTMENTS AND DIVISIONS.

Departments and Divisions Established.

Section 97. The following administrative departments and divisions thereof are hereby established by this charter:

1. Department of public safety.
    (a) Division of police.
    (b) Division of fire.
    (c) Division of public welfare.
    (d) Division of building regulation.
    (e) Division of weights and measures.
2. Department of public service.
    (a) Division of engineering and construction.
    (b) Division of water.
    (c) Division of light, heat and power.
    (d) Division of parks and forestry.
    (e) Division of refuse collection and disposal.
3. Department of health and sanitation.

Change in Departments and Divisions.

Section 98. The council may by ordinance create new or additional departments or divisions and may combine the functions and duties of divisions.

Departmental Divisions.

Section 99. The work of the several departments shall be distributed among such divisions thereof as are established by this charter or as may be established by the council by ordinance. There shall be a superintendent or chief in charge of each division.

Appointments.

Section 100. Subject to the civil service provisions of this charter, the director of each department may appoint and shall have power to remove all officers, clerks and employes in his department. But nothing in this section shall apply to the appointment or removal of the chief of the division of police.

DEPARTMENT OF PUBLIC SAFETY.

General Powers and Duties of the Director of Public Safety.

Section 101. Under the direction of the mayor, the director of public safety shall be the executive head of the divisions of police, fire, public welfare, building regulation and weights and measures. He shall have all powers and duties connected with and incident to the appointment, regulation and government of his department, except as otherwise provided by this charter. He shall keep a record of his proceedings.

Division of Police.

Section 102. The division of police shall be composed of a chief and such officers, patrolmen and other employes as may be provided by ordinance of council. In case of riot or like emergency the mayor may appoint additional patrolmen and officers for temporary service who need not be in the classified service.

Section 103. Under the direction of the director of public safety, the chief of the division of police shall have control of all police stations and sub-stations, and of the stationing and transfer of all patrolmen, and other officers and employes constituting the division of police.

Section 104. No person shall act as special policeman, special detective, or other special police officer for my purpose whatsoever, except upon written authority from the director of public safety, and when so authorized shall act under the direction and control of the chief of police and for a specified time, not to exceed six months.

DIVISION OF FIRE.

Section 105. The division of fire shall be composed of a chief of the division and such other officers, firemen and employes as may be provided by ordinance or resolution of the council. In case of riot, conflagration, or like emergency, the mayor may appoint additional firemen and officers for temporary service, who need not be in the classified service.

Section 106. Under the direction of the director of public safety the chief of the division of fire shall have control of the stationing and transfer of all firemen and other officers and employes constituting the division of fire.

Suspension of Chief of the Division of Fire.

Section 107. The mayor shall have the exclusive right to suspend the chief of the division of fire, for incompetence, gross neglect of duty, gross immorality, habitual drunkenes, failure to obey orders given by the proper authority, or for any other just and reasonable cause. If such chief be so suspended the mayor shall forthwith certify the fact, together with the cause of such suspension, to the civil service commission, who within five (5) days from the date of the receipt of such notice shall proceed to hear such charges and render judgment thereon, which judgment shall be final.

Suspension in Fire and Police Divisions.

Section 108. The chiefs of the divisions of police and fire shall have the exclusive right to suspend any of the officers or employes in their respective divisions, for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given by the proper authority, or for any other just and reasonable cause. If any officer or employe be suspended, as herein provided, the chief of the division concerned shall forthwith in writing certify the fact, together with the cause for the suspension, to the director of public safety who within five days from the receipt thereof shall proceed to inquire into the cause of such suspension and render judgment thereon, which judgment, if the charge be sustained, may be suspension, reduction in rank, or dismissal and such judgment in the matter shall be final, except as otherwise hereinafter provided. The director of public safety, in any such investigation, shall have the same power to administer oaths and secure the attendance of witnesses, and the production of books and papers, as is conferred upon the mayor.

Appeal to Civil Service Commission.

Section 109. Any person in the division of police or fire under the exclusive control of the chief thereof, who is suspended, reduced in rank or dismissed from the department by the director of public safety may appeal from the decision of such officer to the civil service commission within ten (10) days from and after the date of such suspension, reduction or dismissal. In such event said director shall, upon notice from the commission of such appeal, forthwith transmit to the commission a copy of the charges and proceedings thereunder. The commission shall hear such appeal within ten (10) days from and after the filing of the same with the commission and may affirm, disaffirm or modify the judgment of the director of public safety, and its judgment in the matter shall be final.

Classification of Employes in Divisions of Police and Fire.

Section 110. The director of public safety shall classify the service in the divisions of police and fire, in conformity with the ordinance of the council declaring the number of persons to be employed therein, and shall make rules for the regulation and discipline of such divisions consistent with the provisions of this charter.

Relief of Police and Firemen.

Section 111. The council may provide by general ordinance for the relief, out of the police or fire funds, of members of the divisions of police and fire temporarily or permanently disabled in the discharge of their duty. Nothing herein shall impair, restrict, or repeal any provision of general law authorizing the levying of taxes to provide for firemen, police, and sanitary police pension funds, and to create and perpetuate boards of trustees for the administration of such funds.

DIVISION OF PUBLIC WELFARE.

Section 112. Under the direction of the director of public safety the superintendent of the division of public welfare shall manage and control all charitable, correctional and reformatory institutions and agencies belonging to the city; the use of recreational facilities of the city, including parks, playgrounds, public gymnasiums, public bath houses, bathing beaches and social centers. He shall have charge of the in-

spection and supervision of all public amusements and entertainments, and shall have supervision of the free employment office. He shall provide for the study of and research into causes of poverty, delinquency, crime, and other similar problems in the community, shall serve as a member of the board of health, and shall perform all such other duties relative to the public welfare as council may prescribe. The superintendent of the division of public welfare shall be the deputy to the director of public safety, and shall in the absence or disability of such director have all his powers and perform all his duties.

DIVISION OF BUILDING REGULATION.

Section 113. Under the direction of the director of public safety the superintendent of building regulation shall enforce and administer all laws and ordinances relating to the erection, maintenance and repair of buildings and other structures.

DIVISION OF WEIGHTS AND MEASURES.

Section 114. Under the direction of the director of public safety the sealer of weights and measures shall enforce and administer all laws and ordinances regulating weights and measures.

DEPARTMENT OF PUBLIC SERVICE.

General Powers and Duties of the Director of Public Service.

Section 115. The director of public service shall have charge of the construction, improvement, repair and maintenance of streets, sidewalks, alleys, lanes, bridges, viaducts, aqueducts, wharves, docks, landings and other public highways, sewers, sewage disposal plants and farms, drains, ditches, culverts, canals, streams, water courses, all public buildings parks, playgrounds, boulevards, cemeteries, squares, and other public places and grounds belonging to the city or dedicated to its use, and all public utilities.

Section 116. He shall manage and control cemeteries, market houses, crematories, sewage disposal plants and farms, all public utilities of the city, and except as otherwise provided in this charter all public improvements, works and undertakings of the city.

Section 117. He shall have charge of the cleaning, sprinkling and lighting of streets and public places, the collection and disposal of waste; the making and preservation of all surveys, maps, plans, drawings and estimates for the public work under his supervision, and the preservation of contracts, papers, plans, tools and appliances belonging to the city and pertaining to the functions of his department.

Section 118. He shall enforce all the obligations of privately owned or operated public utilities enforceable by the city.

Section 119. Council may provide for a deputy to the director of public service, who shall be appointed by the mayor and may be removed by him. The deputy shall perform such duties as the director of public service shall prescribe and who shall, in case of the absence or disability of the director, have all the powers and perform all the duties of said director. In the absence of such provision by council the chief engineer shall act as such deputy.

Water—Rates and Charges.

Section 120. For the purpose of paying the expense of conducting, managing and operating the city water works, the director of public service shall, as a condition of supply, charge against and collect from all consumers both public and private, including the various and several city departments and institutions, a charge for water service rendered. Such rate of charge shall be fixed by ordinance of council. It shall be made in an equitable manner and in such amount as will fully cover the cost of service.

Section 121. In determining the cost of water service to be so charged and collected, council shall be governed by the following general rules:

(a) All water consumers, as stated in the preceding section, shall be charged with and shall pay the current cost of maintenance, operation and supply, interest on outstanding water bonds, losses sustained by depreciation and taxes foregone.

(b) There shall also be assessed against water con-

sumers as part of the cost of service a reasonable rate of interest per annum on that part of the capital invested in the plant not covered by outstanding bonds, provided, however that in fixing the charges to be collected from the various city departments and institutions this item of interest on paid up capital shall not be included.

Section 122. The director of public service shall, out of the revenues of the water department, pay and transfer to the trustees of the sinking fund of the city a sufficient amount of money to pay the interest on outstanding water bonds as it matures.

Section 123. Council shall by ordinance cause to be established, out of the revenues of the water department, a depreciation fund which shall as nearly as practicable equal the annual loss by depreciation sustained by the water plant. This fund shall be applied as follows:

(a) A sufficient amount shall be transferred to the trustees of the sinking fund at the beginning of each year to provide a sinking fund for the redemption of outstanding water bonds at maturity.

(b) The residue after making such transfer shall be applied in the making of repairs, extensions or replacements. Any surplus arising in the depreciation fund after such repairs, extensions or replacements have been provided for shall be transferred to the general fund of the city.

Section 124. Council may by ordinance or resolution relieve from the payment of bills for water service, any hospital, asylum or other charitable institution devoted to the relief of the poor, the aged, the infirm or destitute persons or orphan children, but such relief shall only be granted to institutions which are within the city's limits and not maintained by general taxation and on the further condition that the bills from which said parties are relieved are promptly paid to the water department out of the general revenue fund of the city.

Section 125. In the administration of the affairs of the water department, the director of public service shall prescribe such rules and regulations as the just interests of the city and water consumers may demand. Said director may also require from a consumer a cash deposit or other form of security as he may deem necessary to protect the city against loss by reason of non-payment of bills or other breach of contract. Cash deposits so received by the city shall be deemed as money held in trust to be returned to the depositors with interest at the rate of 4% per annum at the termination of the contract and after there has been a full compliance with its terms. Council shall by ordinance or resolution transfer said deposit to the Trustees of the Sinking Fund to be held in trust for the water department, but subject at all times to drafts of the director of public service to meet adjustment with the depositors. The Trustees of the Sinking Fund shall invest the money so transferred as other funds under their control are invested, and the net gains resulting from the investment shall annually be placed to the credit of said trust account.

Light, Heat and Power—Rates and Charges.

Section 126. The general rules prescribed in Sections 120, 121, 122, 123 and 125, governing the sale and disposition of water, shall apply as far as practicable in the sale and disposition of the service of the light, heat, power and all other public utility plants owned and operated by the city.

DEPARTMENT OF HEALTH AND SANITATION.

Board of Health.

Section 127. All powers and duties relative to the public health shall be vested in the board of health, which shall be composed of five members a majority of whom shall constitute a quorum. Four of such members shall be appointed and may be removed as provided in section 61, and shall serve without compensation. The superintendent of public welfare shall, by virtue of his office be the fifth member of such board. The mayor shall be president by virtue of his office but shall have no vote.

Terms of Office of Members.

Section 128. The term of office of members of the board of health, other than the superintendent of public welfare,

journal, and no question shall be decided unless approved by a majority of the whole board.

Powers and Duties.

Section 136. Upon demand of the board, the auditor shall report to it, a full and detailed statement of the outstanding indebtedness of the city for bonds issued, and the board shall take charge of and keep a full record, and report to council at least once a year a full detailed statement thereof, with a statement of their investments and general financial business of the city which shall be published in any annual report published by the city.

Section 137. The trustees of the sinking fund shall have charge of and provide for the payment of all bonds issued by the city, the interest maturing thereon and the payment of all final judgments against the city, except in condemnation of property cases. They shall receive from the auditor all taxes, assessments and moneys collected for such purposes and invest and disburse them in the manner provided by general law. For the satisfaction of any obligation under their supervision, the trustees of the sinking fund may sell or use any of the securities or money in their possession.

Section 138. The trustees of the sinking fund shall invest all moneys received by them in bonds of the United States, of the State of Ohio, or of any municipal corporation, school, township or county, in such state, and hold in reserve only such sums as may be needed for the payment of maturing obligations. All interest and gains received by them shall be re-invested in like manner.

Section 139. Money shall be drawn by check only, signed by the president and at least two members of the board, and the secretary. All securities or evidences of debt held by the trustees for the city shall be deposited with the treasurer or with a safety deposit company or companies within the city, and when so deposited they shall be drawn only pursuant to a resolution of the board, and in the presence of at least two trustees.

Powers as to Investigation.

Section 140. The trustees of the sinking fund may investigate all the transactions of any branch or department of the city government involving or affecting the sinking fund, and they shall have such other powers and perform such other duties, not inconsistent with the nature of the duties prescribed for them by this charter, as may be conferred or required by council.

Recording of Bonds.

Section 141. Before they become valid in the hands of any purchaser, all bonds issued by the city shall be recorded in the office of the sinking fund trustees, and shall bear the stamp of the board of sinking fund trustees, containing the words “Recorded in the office of the sinking fund trustees,’ signed by the secretary.

BOARD OF PURCHASE.

Section 142. The directors of public service and public safety together with the treasurer shall constitute the Board of Purchase, and as such shall, except as otherwise provided in this charter, make all purchases for the city in the manner provided by ordinance, and shall, under such regulations as may be provided by ordinance, sell all property, real and personal, of the city not needed for public use or that may have become unsuitable for use or that may have been condemned as useless by the director or head of a department. It shall have charge of such store rooms and warehouses of the city as the council may by ordinance provide.

Section 143. Before making any purchase or sale, the board of purchase shall give opportunity for competition, under such rules and regulations as the council shall establish. Supplies required by any department shall be furnished upon requisition from the stores under the control of said board of purchase, and whenever so furnished shall be paid for by the department furnished therewith, by warrant made payable to the credit of the stores account of the board of purchase. The board of purchase shall not furnish any supplies to any department unless there be to the credit of such department an available appropriation balance in excess of all unpaid obligations sufficient to pay for such supplies.

Section 144. If authorized by council the mayor may appoint a secretary and such other assistants as he may deem necessary to assist the board of purchase in the performance of its duties.

Bureau of Information and Publicity.

Section 145. There shall be established by council a bureau of information and publicity under the supervision and control of the city clerk, who, in addition to his other duties, shall compile an annual report giving a summary of the council proceedings and a summary of the operations of the administrative departments for the previous fiscal year; to have charge of the editing, printing and distribution of all municipal records, reports and documents; to collect and compile information and statistics concerning all departments and offices of the city, and other municipalities; to publish weekly the City Bulletin, which shall contain the transactions and proceedings of the council, the legal advertising of the city and such other information relating to the affairs of the city as shall be determined by ordinance. The City Bulletin shall be published, distributed or sold in such manner and on such terms as the council may determine. No unofficial advertisements shall be published in the City Bulletin, nor shall the City Bulletin be used to promote the candidacy of any person, or be used as a medium for any personal controversy.

THE CIVIL SERVICE COMMISSION.

Commissioners.

Section 146. The mayor, with the concurrence of council, shall appoint three electors of the city as civil service commissioners. The members of the existing civil service commission shall continue in office for the term for which they were appointed. Thereafter members of the civil service commission shall be appointed to serve for terms of six years and until their successors have been appointed and have qualified. A vacancy shall be filled in like manner for the unexpired term. The mayor, with the concurrence of council, may at any time remove any commissioner for inefficiency, neglect of duty or malfeasance in office, having first given to such commissioner a copy of the charges against him and an opportunity to be publicly heard, in person or by counsel, in his own defense, before, the council, and such removal shall be final.

Officers of Commission.

Section 147. The commission shall designate one of its members as president, shall appoint a secretary, and such other officers and employes as council may provide.

Classification.

Section 148. The civil service of the city is hereby divided into the unclassified and the classified service.

(1) The unclassified service shall include:
  - (a) All officers elected by the people.
  - (b) All directors of departments.
  - (c) The chief of the division of police.
  - (d) All officers and members of boards or commissions whose appointment is subject to concurrence by council.
  - (e) One secretary to each elective officer, and the various directors of departments, and one secretary and one assistant or clerk for each board or commission appointed by the mayor.
  - (f) The treasurer.
  - (g) The city clerk.
  - (h) The legal assistants to the city attorney.
  - (i) The staff of the public library.
  - (j) The public defender.
  - (k) All unskilled laborers.
  - (l) Such heads of divisions as the civil service commission shall from time to time, by rule, determine.

(2) The classified service shall comprise all positions not specifically included by this charter in the unclassified service. There shall be in the classified service two classes, to be known as the competitive class and the non-competitive class.
  - (a) The competitive class shall include all positions

and employments for which it is practicable to determine the merit and fitness of applicants by competitive examinations.

(b) The non-competitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character, as may be determined by by the rules of the commission.

Rules.

Section 149. The commission shall prescribe, amend and enforce rules for the classified service, shall keep minutes of its proceedings and records of its examinations and shall make investigations concerning the enforcement and effect of the civil service provisions and of the rules thereunder. It shall make an annual report to the mayor. The rules shall provide:

(a) For the classification and standardization of all positions in the classified service.

(b) For open competitive examination in the competitive class, to test the relative fitness of applicants for such positions. Employes of any public utility taken over by the city, who are in the service of said utility at the time of such acquisition, shall come under the provisions of the merit system without examination; but vacancies thereafter occurring in such service shall be filled from eligible lists in the manner herein provided.

(c) For public notice in the City Bulletin or otherwise of the time and place of all competitive examinations.

(d) For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing in such examinations or tests.

(e) For the rejection of candidates or eligibles who fail to comply with reasonable requirements as to age, sex, physical conditions and moral character, or who have attempted deception or fraud in connection with any examination.

(f) for the certification to the appointing authority, from the appropriate eligible list to fill a vacancy in the competitive class, of the three persons standing highest on such list, or of the person or persons on such list when it contains three names or less.

(g) For temporary employment without examination, in the absence of an eligible list. But no such temporary employment shall continue after the establishment of a suitable eligible list.

(h) For temporary employment for periods not to exceed thirty (30) days.

(i) For non-competitive examinations for appointments to positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character.

(j) For promotion based on competitive examinations and records of efficiency, character, conduct and seniority. Lists shall be created and promotions made therefrom of candidates in the same manner as in original appointments. Any advancement in the rank on an increase in salary beyond the limit fixed for the grade by the rules shall constitute promotion. Whenever practicable vacancies shall be filled by promotion.

(k) For transfer from a position to a similar position in the same class and grade and for reinstatement on the eligible list within one year of persons who, without fault or delinquency on their part, are separated from the service or reduced in rank

(l) For suspension, by the appointing authority, for purposes of discipline, for a period not to exceed thirty (30) days at any one time.

(m) For discharge or reduction in rank or compensation, only after the person to be discharged or reduced has been presented with the reasons for such discharge or reduction, specifically stated in writing, and has been given an opportunity to be heard in his own defense. The reason for such discharge or reduction and any reply in writing thereto by such employe shall be filed with the commission.

(n) For investigating and keeping a record of the effi-

[illegible] when so authorized by council the mayor may [illegible] secretary and such other assistants as he may deem [illegible] assisting board of parole in the performance [illegible].

Bureau of Information and Publicity.

Section 17. There shall be established by council a bureau of information and publicity under the supervision [illegible] report giving a summary of the [illegible] operations [illegible] excellent and [illegible] departments [illegible] publicity [illegible] the City [illegible] the transactions [illegible] advantages of the city and such other [illegible] the affairs of the city [illegible]. The City Bulletin shall be published [illegible] in such manner and on such terms as [illegible]. No [illegible] advertisement [illegible] the City Bulletin [illegible] the candidacy of [illegible] persons [illegible].

[illegible] COMMISSION

[illegible] with the concurrence of council [illegible] of the city as civil service [illegible] the existing civil service commission shall [illegible] for the terms for which they were appointed. The members of the civil service commission shall be appointed for terms of six years and until their successors are duly appointed and have qualified. [illegible] in the manner for the [illegible] with the concurrence of council [illegible] any [illegible] for inefficiency, [illegible] neglect of duty [illegible] having first given to [illegible] statement [illegible] opportunity to be heard [illegible] and such removal shall be final.

Officers of Commission.

Section 18. The commission shall designate one of its members as president, shall appoint a secretary and such other officers and employees as council may provide.

Classification.

Section 19. The civil service of the city is hereby divided into the unclassified and the classified service.

(1) The unclassified service shall include:

(a) All officers elected by the people.

(b) All directors of departments.

(c) The chief of the division of police.

(d) All officers and members of boards or commissions whose appointment is subject to concurrence by council.

(e) One secretary to each elective officer, and the various directors of departments, and one secretary and one assistant or clerk for each board or commission appointed by the mayor.

(f) The treasurer.

(g) The city clerk.

(h) The legal assistants to the city attorney.

(i) The staff of the public library.

(j) The public defender.

(k) All unskilled laborers.

(l) Such heads of divisions as the civil service commission shall from time to time by rule determine.

(2) The classified service shall comprise all positions not specifically included by this charter in the unclassified service. There shall be in the classified service two classes, to be known as the competitive class and the non-competitive class.

(a) The competitive class shall include all positions and employments for which it is practicable to determine the merit and fitness of applicants by competitive examinations.

(b) The non-competitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character, as may be determined by by the rules of the commission.

Rules.

Section 149. The commission shall prescribe, amend and enforce rules for the classified service, shall keep minutes of its proceedings and records of its examinations and shall make investigations concerning the enforcement and effect of the civil service provisions and of the rules thereunder. It shall make an annual report to the mayor. The rules shall provide:

(a) For the classification and standardization of all positions in the classified service.

(b) For open competitive examination in the competitive class, to test the relative fitness of applicants for such positions. Employes of any public utility taken over by the city, who are in the service of said utility at the time of such acquisition, shall come under the provisions of the merit system without examination; but vacancies thereafter occurring in such service shall be filled from eligible lists in the manner herein provided.

(c) For public notice in the City Bulletin or otherwise of the time and place of all competitive examinations.

(d) For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing in such examinations or tests.

(e) For the rejection of candidates or eligibles who fail to comply with reasonable requirements as to age, sex, physical conditions and moral character, or who have attempted deception or fraud in connection with any examination.

(f) for the certification to the appointing authority, from the appropriate eligible list to fill a vacancy in the competitive class, of the three persons standing highest on such list, or of the person or persons on such list when it contains three names or less.

(g) For temporary employment without examination, in the absence of an eligible list. But no such temporary employment shall continue after the establishment of a suitable eligible list.

(h) For temporary employment for periods not to exceed thirty (30) days.

(i) For non-competitive examinations for appointments to positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character.

(j) For promotion based on competitive examinations and records of efficiency, character, conduct and seniority. Lists shall be created and promotions made therefrom of candidates in the same manner as in original appointments. Any advancement in the rank on an increase in salary beyond the limit fixed for the grade by the rules shall constitute promotion. Whenever practicable vacancies shall be filled by promotion.

(k) For transfer from a position to a similar position in the same class and grade and for reinstatement on the eligible list within one year of persons who, without fault or delinquency on their part, are separated from the service or reduced in rank

(l) For suspension, by the appointing authority, for purposes of discipline, for a period not to exceed thirty (30) days at any one time.

(m) For discharge or reduction in rank or compensation, only after the person to be discharged or reduced has been presented with the reasons for such discharge or reduction, specifically stated in writing, and has been given an opportunity to be heard in his own defense. The reason for such discharge or reduction and any reply in writing thereto by such employe shall be filed with the commission.

(n) For investigating and keeping a record of the effi-

and [illegible] and enable [illegible] determine [illegible] by competitive examinations.

The [illegible] shall pro[illegible] ability, capacity of [illegible] equal and [illegible] determined by the [illegible]

Rules.

Section 16. [illegible] and [illegible] and [illegible] preceding [illegible] and shall make investigations [illegible] and effect of the [illegible] he shall make annual [illegible] he shall [illegible]

(a) For the [illegible] classification of all po[illegible] in the classi[illegible]

(b) [illegible] competitive examinations [illegible] entrance [illegible] qualifications [illegible] eligible [illegible] city, but [illegible]

[illegible] transferred.

(c) For [illegible]

(d) For the [illegible] which shall [illegible] the [illegible] candidates in the order of their standing [illegible]

(e) For the [illegible] eligibles who shall comply with [illegible] age, sex, physical conditions [illegible] who have [illegible] deception [illegible] are unquali[illegible]

(f) For the certification [illegible] the appointing authority from the appropriate eligible list [illegible] vacancy in the competitive class [illegible] highest [illegible] the names [illegible] three names or less.

(g) For temporary employment without examination in the absence of an eligible list. No such temporary employment shall continue after the establishment of a suitable eligible list.

(h) For temporary employment for periods not to exceed thirty (30) days.

(i) For noncompetitive examinations for appointments to positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character.

(j) For promotion based on competitive examinations and records of efficiency, character, conduct and seniority. Lists shall be created and promotions made therefrom of candidates in the same manner as in original appointments. Any advancement in rank or an increase in salary beyond the limit fixed for the grade by the rules shall constitute promotion. Whenever practicable, vacancies shall be filled by promotion.

(k) For transfer from a position to a similar position in the same class and grade, and for reinstatement on the eligible list within one year of persons who, without fault or delinquency on their part, are separated from the service or reduced in rank.

(l) For suspension, by the appointing authority, for purposes of discipline, for a period not to exceed thirty (30) days at any one time.

(m) For discharge or reduction in rank or compensation, only after the person to be discharged or reduced has been presented with the reasons for such discharge or reduction, specifically stated in writing, and has been given an opportunity to be heard in his own defense. The reason for such discharge or reduction and any reply in writing thereto by such employe shall be filed with the commission.

(n) For investigating and keeping a record of the effi-

ciency of officers and employes in the classified service, and for requiring markings and reports relative thereto from appointing officers.

(o) For the publication of the rules and amendments thereto in the City Bulletin. The commission shall adopt such other rules, not inconsistent with the foregoing provisions of this section, as may be necessary and proper for for the enforcement of the merit system.

Examinations.

Section 150. All examinations shall be practical and impartial and shall relate to those matters which will fairly test the relative capacity of the persons examanied to discharge the duties of the position for which appointment is sought.

Appointments.

Section 151. When a position in the competitive classified service is to be filled the appointing authority shall notify the commission of that fact and the commission shall certify to such authority the names and addresses of three candidates standing highest on the eligible list for the class or grade to which such position belongs. The appointing authority shall appoint one of the three persons certified to him, to such position. When the eligible list contains less than three names then such names shall be certified from which number the appointing authority may appoint one for such position. When no eligible list for such position exists, or when the eligible list has become exhausted and until a new list can be created, the appointing authority may make a temporary appointment. A person certified from an eligible list more than three times to the same or similar position may be omitted from future certifications to such appointing authority.

Present Civil Service Employes.

Section 152. All persons holding positions in the service of the city pursuant to appointment from eligible lists at the time this charter takes effect, or who have been continuously in the service of the city in the same position for the five years next preceding, shall retain their positions until discharged, reduced, promoted, or transferred in accordance with the provisions hereof. The commission shall maintain a list of all persons in the service, showing in connection with each name the position held, the date and character of each appointment and of every subsequent change in status. Each appointing officer shall promptly transmit to the commission all information required for the establishment and and maintenance of the list.

Pay Rolls Certified.

Section 153. It shall be unlawful for the treasurer or other public disbursing officer to pay any salary or compensation for service to any person holding a position in the classified service unless the pay-roll or account for such salary or compensation shall bear the certificate of the commission that the persons named therein have been appointed or employed in accordance with the civil service provisions of this charter and of the rules established thereunder.

Investigations.

Section 154. In any investigation conducted by the commission it shall have the power to subpoena and require the attendance of witnesses and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses.

Political Beliefs.

Section 155. No person in the classified service or seeking admission thereto, shall be appointed, reduced, laid off, discharged or in any way favored or discriminated against because of his political opinions or affiliations.

Political Activity.

Section 156. No person in the classified service shall directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution for any political party or political purpose whatever. No person shall orally, or by letter, solicit, or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or for any candidacy from any person holding a position in the classified service.

Abuse of Political Influence.

Section 157. No person who holds any public office, or who has been nominated for, or who seeks a nomination or appointment to any public office shall use or promise to use either directly or indirectly, any official authority or influence in order to secure or aid any person in securing for himself

or another any office, or employment in the classified service, or any promotion or increase of salary therein, as a reward for political influence or service, or for service in behalf of any candidacy.

Violations and Penalties.

Section 158. Any person or officer who, by himself, or in co-operation with one or more persons, wilfully or corruptly deceives or obstructs any person in respect to his right to be examined for admission to the service of the city; or falsely or corruptly marks, grades or reports upon the examination or proper standing of any person examined for appointment in the civil service, or aids in so doing; or wilfully or corruptly makes any false representation as to the results of such examination or concerning the person so examined; or wilfully or corruptly furnishes to any person special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined or to be examined, or to be appointed, employed or promoted; or wilfully impersonates any other person or permits or aids, in any manner, any other person to impersonate him in connection with any examination or registration application or appointment, or request to be examined or registered; or who makes known or assists in making known to any applicant for examination, any question to be asked on such examination; or wilfully violates any of the civil service provisions of this charter shall, for such offense be deemed guilty of misdemeanor, and upon conviction thereof before the municipal court, shall be fined not less than ten ($10) dollars nor more than one hundred ($100) dollars, or imprisoned not more than ten (10) days, or both.

Contracts.

Section 159. No contract, agreement, or other obligation, involving the expenditure of money, shall be entered into, nor shall any ordinance, resolution, or order for the expenditure of money be passed by the council, or be authorized by any officer of the city, unless the auditor first certify to the council or the proper officer, as the case may be, that the money required for such contract, agreement, obligation, or expenditure, is in the treasury, to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and immediately recorded. The sum so certified shall not thereafter be considered unappropriated until the city is discharged from the contract, agreement, or obligation.

Section 160. All moneys actually in the treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the treasury before the maturity of such contract, agreement or obligation, from taxes or assessments, accounts and bills receivable or other credits in process of collection; and all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and moneys to be derived from lawfully authorized bonds sold and in process of delivery shall, for the purposes of such certificate, be deemed in the treasury to the credit of the appropriate fund and subject to such certification.

Contracts—When Void.

Section 161. All contracts, agreements, or other obligations entered into and all ordinances passed, resolutions and orders adopted, contrary to the provisions of the preceding sections, shall be void, and no person whatever shall have any claim or demand against the city thereunder, nor shall the council, or any officer of the city, waive or qualify the limits fixed by any ordinance, resolution or order, as provided in section 159, or fasten upon the city any liability whatever, in excess of such limits, or release any party from an exact compliance with this contract under such ordinance, resolution, or order.

Contracts—How Let.

Section 162. When any expenditure in any department other than the compensation of persons employed therein, exceeds five hundred ($500.00) dollars, it shall first be author-

[illegible] in excess [illegible] provided in this [illegible] and for [illegible] the attorney in behalf [illegible]

[illegible] and Penalties.

Section 158. Any [illegible] in any manner [illegible] with [illegible] validity [illegible] the city of [illegible] the exam- [illegible] persons [illegible] [illegible] as [illegible] person so [illegible] any person [illegible] or any person [illegible] employed [illegible] or [illegible] inspec- [illegible] examined [illegible] question [illegible] made [illegible] municipal [illegible] not more than [illegible]

Contracts.

Section 159. No contract, agreement, or other obligation, involving the expenditure of money shall be entered into, nor shall any ordinance, resolution, or order for the expenditure of money be passed by the council or be authorized by any officer of the city unless the auditor first certify to the council or the proper officer, as the case may be, that the money required for such contract, agreement, obligation, or expenditure is in the treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and immediately recorded. The sum so certified shall not thereafter be considered unappropriated until the city is discharged from the contract, agreement, or obligation.

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Section 161. All contracts, agreements, or other obligations entered into and all ordinances passed, resolutions and orders adopted, contrary to the provisions of the preceding sections, shall be void, and no person whatever shall have any claim or demand against the city thereunder, nor shall the council, or any officer of the city, waive or qualify the limits fixed by any ordinance, resolution or order, as provided in section 159, or fasten upon the city any liability whatever in excess of such limits, or release any party from an exact compliance with his contract under such ordinance, resolution, or order.

Contracts—How Let

Section 162. When any expenditure in any department other than the compensation of persons employed therein exceeds five hundred ($500.00) dollars, it shall first be author ized and directed by ordinance of the council. When so authorized and directed, the proper board or officer shall make a written contract in strict accordance with the terms and conditions of the ordinance, with the lowest and best bidder, after advertisement once a week for at least two weeks in the City Bulletin. The bids shall be opened at 12 o'clock noon, on the last day for filing the same, by the proper board or officer or its or his clerk, in the presence of the auditor, and publicly read. Each bid shall contain the full name of every person or company interested in the same, and shall be accompanied by a sufficient bond or certified check on a solvent bank of the city, as required by the contract or specifications, that if the bid is accepted a contract will be entered into and an acceptable bond in the sum of not less than fifty per cent. of the contract price given to properly secure the performance of the same within the contract time. If the work bid for embraces both labor and material they shall be separately stated with the price therefor. Such board or officer may reject any or all bids. The contract shall be between the city and the bidder and the city shall pay the contract price in cash. When there is reason to believe that there is collusion or combination among bidders, the bids of those concerned therein shall be rejected. All contracts shall be in writing and a copy thereof filed with the auditor.

Alterations or Modifications in Contract.

Section 163. When it becomes necessary, in the opinion of the director or head of the appropriate department, in the prosecution of any work, or improvement under contract, to make alterations or modifications in such contract, such alterations or modifications shall be made only upon the order of such director or head in writing and upon the approval of council. No such order shall be effective until the price to be paid for the work and material, or both, under the altered or modified contract, shall have been agreed upon in writing and signed by the contractor and the director or head of department in behalf of the city.

IMPROVEMENTS AND ASSESSMENTS.

Local Improvements.

Section 164. The council shall have power by ordinance to provide for the construction, reconstruction, repair and maintenance by contract or directly by the employment of labor, of all local improvements, and to provide for the payment of any part of any such improvement by levying and collecting special assessments upon abutting, adjacent and continguous or other specially benefited property. The amount assessed against the property shall not exceed the amount of benefits accruing to such property.

Methods of Special Assessments.

Section 165. Special assessments upon the property deemed benefited by a public improvement shall be by any one of the following methods:

(a) By a percentage of the tax value of the property assessed.

(b) In proportion to the benefits which may result from the improvement.

(c) By the foot frontage of the property bounding or abutting upon the improvement.

Preliminary Resolution.

Section 166. When it is deemed necessary to make a public improvement to be paid for in whole or in part by special assessment, the council shall declare the necessity therefor by resolution, and such resolution shall state the method of assessment, the mode of payment, the number of annual installment, and the portion of the cost to be borne by the city. Such resolution shall contain a description of the lots and lands to be assessed and it shall be sufficient to describe the lots and lands abutting upon the improvement and to be assessed therefor, as all the lots and lands bounding and abutting upon such improvement between and including the termini of the improvement; and in describing lands which do not abut, it shall be sufficient to describe the lots by their appropriate lot numbers, and the lands by metes and bounds; and this rule of description shall apply in all proceedings in which lots and lands are to be charged with special assessments. Such resolution shall

also determine the general nature of the improvement, what shall be the grade of the street, or other public place to be improved, the grade or elevation of the curbs and shall approve the plans, specifications, estimates and profiles for the the proposed improvement.

Plans of Proposed Improvements.

Section 167. At the time of the passage of the resolution hereinbefore provided there shall be on file in the office of the director of public service plans, specifications, estimates, and profiles, of the proposed improvements, giving all information necessary; and such plans, specifications, estimates and profiles, shall be open to the inspection of all interested persons.

Estimated Assessment.

Section 168. Upon the passage of said resolution it shall be certified to the Chief Engineer, who shall thereupon proceed to make and file with the City Clerk, an assessment report, in accordance with the method of assessment provided in the resolution, which report shall contain the following:

(a) The estimated amount of the assessment against each lot or parcel of land, not exceeding in any case the special benefits thereto.

(b) The deduction, or credits if any, to which each lot or parcel of land is entitled by reason of the provisions of Section 180 and 182.

(c) The estimated amount of the City's portion including the portion assumed in the preliminary resolution and the deductions and credits above mentioned.

Lands Unallotted or Not on Duplicate.

Section 169. When special assessments are to be levied by the percentage of tax value of the property assessed or by the foot frontage of the property bounding or abutting upon the improvement, and there are lands subject to such assessment which are not assessed for taxation, the Chief Engineer shall fix, in said report, for the purpose of such assessment, the value of such lots as they stand and of such lands at such depths as the Chief Engineer considers a fair average of the depths of lots in the neighborhood, so that it will be a fair average of the assessed value of other lots in the neighborhood. Where lands are not sub-divided into lots but are assessed for taxation, the Chief Engineer shall fix the value and the depth in the same manner; but the above rule shall not apply in making a special assessment according to benefits.

Notice—How Served.

Section 170. A notice of the passage of such resolution and of the fact that such estimated assessment has been filed, shall be served by the City Clerk, or an assistant, upon the owner of each piece of property, to be assessed, in the manner provided by law for the service of summons in civil actions. If any such owners or persons are not residents of the county, or if it appears by the return in any case, of the notice, that such owner can not be found, they shall be notified by publishing such notice at least twice in the City Bulletin. Whether by actual service or publication, such notice shall be completed at least twenty days before the improvement is commenced, and the return of the officer or person serving the notice, or a certified copy of the return shall be prima facie evidence of the service of the notice as herein required.

Objections to Assessments.

Section 171. An owner of any lot or parcel so to be assessed, who objects to the amount or apportionment of such estimated assessments, shall file his objections in writing with the City Clerk, within two weeks after the service of notice or completion of the publication hereinbefore provided. Any owner who fails to do so, shall be deemed to have waived any objection to such assessment, to the extent of the amount estimated.

Board of Revision.

Section 172. When objections to such assessment have been filed as provided in the next preceding section, the council shall appoint a Board of Revision, consisting of three disinterested free holders of the city, residents of the city, [illegible] determine the general nature of the improvement, what [illegible] of the street or other public place to be improved, the grade or elevation [illegible] and shall ap[illegible] the plans, specifications, [illegible] estimates for the proposed improvement.

[illegible] Proposed Improvement.

Section 166. At the [illegible] of any [illegible] of the resolu[illegible] hereinbefore provided [illegible] shall [illegible] file in the office [illegible] director of [illegible] plans, specifications, esti[illegible], and profiles of the proposed improvement, giving all [illegible] classes of [illegible] estimated [illegible] of all in[illegible].

[illegible] of Assessment.

[illegible] resolution [illegible] shall thereupon [illegible] assessment [illegible] improvement [illegible] the following:

[illegible] estimated [illegible] assessed against each lot or parcel [illegible] in any case the [illegible].

[illegible] each lot [illegible] terms of [illegible].

[illegible] thereof, [illegible] resolution [illegible].

[illegible] Apportioned [illegible].

Section 168. When [illegible] be levied [illegible] the percentage [illegible] assessed [illegible] the frontage of [illegible] bounding or abutting [illegible] the improvement [illegible] such [illegible] which are [illegible] the Chief Engineer shall [illegible] purposes of such assessment, the [illegible] and of such [illegible] such depth [illegible] distance a fair [illegible] of the depth [illegible] so that [illegible] a fair [illegible] in [illegible] neighborhood [illegible] into [illegible] are assessed [illegible] Engineer shall [illegible] the value and [illegible] that the above rate shall [illegible] assessment according to benefits.

Notice—How Served.

Section 170. A notice of the passage of such resolution and of the fact that such estimated assessment has been [illegible] shall be served by the City Clerk, or an assistant, upon [the] owner of each piece of property to be assessed, in the [ma]nner provided by law for the service of summons in civil [ac]tions. If any such owners or agents are not residents of the county, or if it appears that [illegible] the [illegible] of the notice, that such owners [illegible] be found, they shall be notified by publishing [illegible] twice in the City Bulletin. Whether by personal service or publication, such notice shall be completed at least twenty days before the improvement is commenced, and the return of the officer or person serving the notice, or a certified copy of the return shall be prima facie evidence of the service of the notice as herein required.

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Board of Revision.

Section 172. When objections to such assessment have been filed as provided in the next preceding section, the council shall appoint a Board of Revision, consisting of three disinterested free holders of the city, residents of the city, and shall fix the time and place for the hearing by such board of such objections, of which at least one week's notice shall be given in the City Bulletin..

Hearing on Objections.

Section 173. At the time so appointed said board of revision, after taking an oath faithfully and impartially to discharge its duties shall proceed to hear all objections to such estimated assessments, and shall report to council its findings, together with its amendments, if any, of the estimated assessment as reported by the chief engineer. Upon the filing of such report of the board of revision, or in case no objections have been filed, then upon the expiration of the time for filing the same, council shall, if it determines to proceed with such improvement, so declare by ordinance, which ordinance shall require for its passage, the votes of at least five members of council.

Claims.

Section. 174. An owner of a lot or of land bounding or abutting upon a proposed improvement, claiming that he will sustain damage by reason of the improvement, shall file such claim with the city clerk within two weeks after the service of notice or the completion of the publication hereinbefore provided. Such claim shall be in writing and shall set forth the amount of damages claimed, with a general description of the property with respect to which it is claimed the damage will accrue. Any owner who fails so to do shall be deemed to have waived such damages, and shall be barred from filing a claim or receiving damages thereof. This provision shall apply to all damage which will obviously result from the improvement, but shall not deprive the owner of his right to recover damages arising, without his fault, from acts of the city or of its agents. If subsequent to the filing of such claim, the owner sell the property, or any part thereof, the right of damages, if any, shall follow the ownership of the land without other transference of the claim.

Damages Assessed.

Section 175. At or before the time of the passage of the ordinance determining to proceed with the improvement as hereinbefore provided, the council shall determine whether the claims for damages so filed shall be judicially inquired into before commencing or after the completion of the proposed improvement. If it decide that the damages shall be assessed before commencing the improvement, the city attorney shall then make such application and such proceedings shall be had thereon as are provided by the general law relating to the assessment of damages on such claims.

Section 176. When the council determines to assess the damages after the completion of the improvement for which a claim for damages has been filed as hereinbefore provided, the city attorney shall within ten (10) days after the completion of the improvement make written application as hereinbefore provided in the case of the ascertainment of damages before the improvement was made, and the same proceedings shall be had as provided in the next preceding section.

Section 177. No person who claims damages arising from any cause shall commence a suit therefor against the city until he shall have filed a claim for such damages with the city clerk and sixty (60) days shall have elapsed thereafter This provision shall not apply to an application for an injunction or other proceeding to which it may be necessary for such applicant to resort in case of urgent necessity.

Assessment of Cost.

Section 178. After any such improvement is completed

and the cost ascertained, council shall, by ordinance, assess upon the property mentioned, and in the manner provided, in the preliminary resolution, the entire cost and expense thereof, excepting the portion to be paid by the city. Such assessment as to each lot or parcel shall be in the proportions fixed in the estimated assessment as reported by the chief engineer, or as revised by the Board of Revision, and such ordinance shall also state the credits or deductions to which any lot or parcel is entitled, as fixed in such report or revision. The remainder of the cost, together with such credits and deductions shall be the city's share, and if it exceed the amount originally appropriated, a supplementary appropriation shall be made to cover such excess. Such cost shall include the cost of preliminary and other surveys, the cost of construction, the expense of printing and serving notices, interest on bonds issued to provide funds for such improvement, and any other necessary expenditure connected with said improvement.

Section 179. Special assessments shall be payable by the owners of the property assessed at the time stipulated in the ordinance levying or confirming the assessment and shall be a lien from the date of the passage of said ordinance upon the respective lots and parcels of land assessed, enforcible in the manner provided by general law.

Limitation on Assessments.

Section 180. The council shall limit all assessments to the special benefits conferred upon the property assessed, and in no case shall there be levied on any lot or parcel of land any assessment for any or all purposes within a period of five years in excess of thirty-three and one-third per cent (33 1-3%) of the actual value thereof after the improvement is made. Assessments levied for the construction of main sewers shall not exceed the sum that, in the opinion of the council, would be required to construct an ordinary street sewer or drain of sufficient capacity to drain or sewer the lots and the [illegible] council shall, by ordinance, assess upon the property benefited, and in the manner provided, in the [illegible] the cost and expense thereof, [illegible] the portion to be paid by the city. Such assess- [illegible] as to each lot or parcel shall be in the proportions fixed in the estimated assessment [illegible] the chief engineer, [illegible] revised by the [illegible] and such ordinance [illegible] also state the [illegible] against any lot or [illegible] is entitled [illegible] revision. The [illegible] of the [illegible] with [illegible] and de- [illegible] the amount [illegible] shall [illegible] shall include the [illegible] construction, [illegible] the bonds- [illegible] nor any other [illegible] improvements.

Section 179. [illegible] shall be payable by the [illegible] stipulated in the ordinance [illegible] the assessment and shall be a lien [illegible] of said ordinance upon the respective lots [illegible] land assessed, enforce- able in the manner provided [illegible] law.

[illegible] Limitation on Assessments.

Section 180. [illegible] all assessments to [illegible] property assessed, and [illegible] any lot or parcel of land [illegible] within a period of [illegible] one-third per cent [illegible] the improvement [illegible] construction of main sewers shall not exceed [illegible] the opinion of the council, would be required [illegible] an ordinary street sewer or drain of sufficient [illegible] the lots or lands to be assessed for such improvement, nor shall any lots or lands be assessed that do not need local drainage. or which are provided therewith.

City's Portion of Cost.

Section 181. The city shall pay such part of the cost and expense of improvements for which special assessments are levied as the council deems just, which part shall not be less than one fiftieth (1-50) of all such cost and expense; and in addition thereto the city shall pay the cost of intersections. The council may provide for the payment of the city's portion of all such improvements by the issuance of bonds or notes therefor, and may levy taxes, in addition to all other taxes authorized by law, to pay such bonds or notes and the interest thereon.

Assessments for Replacing Improvements.

Section 182. Whenever an assessment is levied for the replacement of any street improvement for which an assessment has theretofor been made there shall be deducted from the assessment that might otherwise be made for such replacement at least one half of the amount paid on the assessment for the improvement so replaced and the assessment so deducted shall be paid as a part of the city's portion of the cost of the improvement.

Sewer and Water Connections.

Section 183. The director of public service shall have authority to compel the making of sewer and water connections whenever, in view of contemplated street improvements or as a sanitary regulation, sewer or water connections should in his judgment be constructed. He shall cause written notice of his determination thereof to be given to the owner of each lot or parcel of land to which such connections are to be made, which notice shall state the number and character of connections required. Such notice shall be served by a person designated by the director of public service, in the manner provided for the service of summons in civil actions. Non-residents of the city, or persons who cannot be found, may be served by one publication of such notice in the City Bulletin. The notice shall state the time within which such connections shall be constructed and if they be not constructed within the said time, the work may be done by the city and the cost thereof, together with a penalty of five per cent (5%) assessed by council against the lots and lands for which such connections are made. Said assessments shall be certified and collected as other assessments for street improvements.

Sidewalks.

Section 184. The council may by resolution declare that certain specified sidewalks, curbings, or gutters shall be constructed or repaired. Upon the passage of such a resolution the city clerk shall cause written notice of the passage thereof to be served upon the owners, or agent of the owner, of each parcel of land abutting upon such sidewalk, who may be a resident of the city, in the manner provided by law for the service of summons in civil actions. He shall preserve a copy of the notice with the time and manner of service endorsed thereon, signed by the person serving it. For the purpose of such service, if the owner of any such property be not a resident of the city, any person charged with the collection of rent, or the payment of taxes on such property, or having control thereof in any way, shall be regarded as the agent of the owner, and service upon such person shall have the like force and effect as though personal service were made upon the owner thereof. If it appear in any such return, however, that the owner is a non-resident, or that neither such owner or agent could be found, one publication of a copy of the resolution in the City Bulletin shall be deemed sufficient notice to such owner.

Section 185. If sidewalks, curbing, or gutters be not constructed or repaired within fifteen (15) days from the service of the notice provided for in the preceding section, or the completion of the publication thereof, the director of public service may proceed by direct employment of labor. or by contract, to carry out the said construction or repair at the expense of the owner, as in the case of other improvements, and all such expense shall be reported by the director of public service to the council. The council shall thereupon [illegible] lands to be assessed for such improvement, nor shall any [illegible] be assessed [illegible] local drainage [illegible] with.

[illegible] part of the cost [illegible] assessments [illegible] shall not be [illegible] expenses [illegible] inter- [illegible] portion of [illegible] sides or more.

[illegible] assessed for the [illegible] which are [illegible] be deducted from [illegible] at least [illegible] the assess- ment for the [illegible] the assessment so [illegible] shall be [illegible] city's portion of the [illegible] of the improvement [illegible] and [illegible]

[illegible] shall have au- [illegible] and water connections [illegible] improvements or [illegible] connections should [illegible] given no- [illegible] to the owner of [illegible] connections are to [illegible] number and character of connections required [illegible] shall be served by a person designated by [illegible] of public service, in the [illegible] provided [illegible] as in civil actions, [illegible] cannot be found, [illegible] notice in the City [illegible] within which such [illegible] constructed [illegible] by the city and [illegible] of five per cent (5%) [illegible] for which such [illegible] shall be certified and collected as [illegible] street improvements.

Sidewalks.

Section 149. The council may by resolution declare that [illegible] specified [illegible] gutters shall be con- structed or repaired [illegible] of such a resolution [illegible] clerk shall cause [illegible] of the passage thereof [illegible] upon the [illegible] agent of the owner of each [illegible] abutting [illegible] sidewalk, who may be a [illegible] of the [illegible] for the [illegible] shall preserve a copy of the notice [illegible] of service en- dorsed thereon [illegible] serving it [illegible] the purpose of such service [illegible] such property be not a resident of [illegible] charged with the col- lection of rents [illegible] such property, or having control thereof [illegible] shall be regarded as the agent of the owner, and service upon such person shall have the like force and effect as though personal service were made upon the owner thereof. If it appears in any such re- turn, however, that the owner is a non-resident, or that neither such owner or agent could be found, the publication of a copy of the resolution in the City Bulletin shall be deemed sufficient notice to such owner.

Section 150. If sidewalks, curbing, or gutters be not constructed or repaired within fifteen (15) days from the ser- vice of the notice provided for in the preceding section, or the completion of the publication thereof, the director of public service may proceed by direct employment of labor, or by contract, to carry out the said construction or repair at the expense of the owner, as in the case of other improvements, and all such expense shall be reported by the director of public service to the council. The council shall thereupon by ordinance assess the cost and expense thereof upon the owner or owners of all property bounding or abutting thereon, and such assessment shall be collected in the same manner as other assessments, with a penalty of five per cent (5%) and interest for failure to pay at the time fixed by the assessment resolution.

Public Improvements by Contract or Direct Labor.

Section 186. Public improvements of all kinds, may be made by the appropriate department, either by direct employment of the necessary labor and the purchase of the necessary supplies and materials, with separate accounting as to each improvement so made, or by contract duly let after competitive bidding, either for a gross price, or upon a unit basis for the improvement, or by contract containing a guaranteed maximum and stipulating that the city shall pay within such maximum the cost of labor and materials, plus fixed a percentage of profit to the contractor. The council shall by ordinance determine by which of the foregoing methods any improvement shall be made. Contracts may provide a bonus per day for completion of the contract prior to a specified date, and liquidated damages to the city to be exacted in like sum for every day of delay beyond a specified date.

Streets and Public Grounds.

Section 187. The council shall provide for the care, supervision, control and improvement of public highways, streets, avenues, alleys, sidewalks, public grounds, bridges, aqueducts, and viaducts, within the city, and shall cause them to be kept open, in repair and free from nuisance.

Alteration of Streets.

Section 188. When it deems it necessary the council may cause any street, alley, or public highway to be opened, straightened, altered, diverted, narrowed, widened, or vacated, and shall assess such portion of the cost thereof, not exceeding fifty per cent., as it may determine upon the property benefitted thereby, but not in excess of the special benefit conferred upon such property by such improvement.

Assessment Bonds and Notes.

Section 189. The council may at any time borrow money and authorize the issuance of bonds or notes in anticipation of the levy or collection of assessments. Such bonds may be in sufficient amount to pay the estimated cost and expense of the improvement for which the assessments are levied. In the issuance and sale of such bonds or notes the city shall be governed by the provisions of the general law applying to the issuance and sale of bonds and notes by municipalities.

Unexpended Balances and Assessments.

Section 190. All assessments collected for the improvement for which bonds or notes were issued, and all unexpended balances remaining in the fund after the cost and expenses of the improvement have been paid, shall be applied in the payment of said bonds or notes and the interest thereon.

Dedication of Streets.

Section 191. No street or alley dedicated to public use by the proprietor of ground in the city shall be deemed a public street or alley, or under the care or control of the council, unless the dedication be accepted and confirmed by ordinance passed for such purpose, or unless the provisions of general law or any ordinance superceding the same relating to platting and sub-divisions shall have been complied with.

FRANCHISES.

Grant.

Section 192. The council may by ordinance grant permission to any individual, company or corporation to construct and operate a public utility in the streets and public grounds of the city. It shall prescribe in the ordinance the kind and quality of service or product to be furnished, and shall provide for fixing the rate or rates to be charged therefor, and prescribe the manner in which the streets and public grounds shall be used and occupied, and any other terms and conditions conducive to the public interest.

Period of Grants.

Section 193. No such grant shall be exclusive, nor shall it be made for a longer period than twenty-five years. No by ordinance assess the cost and [illegible] thereof upon the [illegible] abutting the same [illegible]

[illegible]

Improvements [illegible] Lanes.

Section [illegible] kinds may be [illegible]

[illegible] and Public [illegible]

Section [illegible] for the care [illegible] public highways, [illegible] grounds, bridges, [illegible] shall cause them [illegible]

Section [illegible] When [illegible] necessary the council [illegible] altered, [illegible] widened, or vacated, shall assess such [illegible] not exceeding [illegible] upon the property [illegible] the special benefit conferred upon such property [illegible]

Assessment [illegible]

Section [illegible] money [illegible] sufficient [illegible] In [illegible] shall be governed by the [illegible] general laws applying to the [illegible] municipalities.

Unexpended Balances and Assessments

Section [illegible] All [illegible] collected for the improvement for which bonds [illegible] issued, and all unexpended balances remaining [illegible] after the cost and [illegible] of the improvement [illegible] shall be applied to the payment of [illegible] and the interest thereon.

Dedication of Streets

Section [illegible] dedicated to public use by the [illegible] shall be deemed a public street [illegible] control of the council unless the [illegible] accepted and confirmed by ordinance passed for [illegible] unless the provisions of general law [illegible] relating to platting and subdivisions shall have been complied with.

FRANCHISES

Grant

Section 12[illegible]. The council may by ordinance grant permission to any individual, [illegible] or corporation to construct and operate a public utility in the streets and public grounds of the city. It shall prescribe in the ordinance the kind and quality of service [illegible] to be furnished, and shall provide for fixing the rate or rates to be charged therefor, and prescribe the manner in which the streets and public grounds shall be used and occupied and any other terms and conditions conducive to the public interest.

Period of Grants

Section 12[illegible]. No such grant shall be exclusive, nor shall it be made for a longer period than twenty-five years. No such grant shall be renewed earlier than two years prior to its expiration unless the city council shall by a vote of at least five of its members first declare by ordinance its intention of considering a renewal thereof. All grants of the right to make extensions of any public utility shall be subject as far as practicable to the terms of the original grant and shall expire therewith.

Reports to City by Grantee.

Section 194. No ordinance making such grant, renewal or extension shall be valid unless it shall expressly provide therein, that the grantee shall make to the city, at prescribed semi-annual periods, a statement of the assets, liabilities, receipts and disbursements of the public utility operating under such grant, renewal or extension—said statement shall be in adequate detail for determining the cost of the service rendered, and shall be signed and sworn to by the proper officer or officers of the organization. Said ordinance shall also reserve to the city the right of verifying such statements from the books and records of the grantee.

Right of City to Lease or Purchase.

Section 195. All such grants and renewals thereof shall reserve to the city the right to terminate the same and to purchase or lease all the property of the utility in the streets and highways in the city and elsewhere, as may be provided in the ordinance making the grant or renewal, used in or useful for the operation of the utility, at a price either fixed in the ordinance, or to be fixed in the manner provided by the ordinance making the grant or renewal of the grant. Nothing in such ordinance shall prevent the city from acquiring the property of any such utility by condemnation proceedings or in any other lawful mode; but all such methods of acquisition shall be alternative to the power to purchase, reserved in the grant or renewal as hereinbefore provided. Upon the acquisition by the city of the property of any utility, by purchase, condemnation or othewise, all grants or renewals shall at once terminate.

Exclusion of Franchise Value.

Section 196. No ordinance making such grant or renewal shall be valid unless it shall expressly provide therein that the price to be paid by the city for the property that may be acquired by it from such utility by lease, purchase, condemnation or otherwise, shall exclude all value of such grant or renewal.

Extension by Annexation.

Section 197. It shall be provided in every such grant that upon the annexation of any territory to the city the portion of any such utility that may be located within such annexed territory and upon the streets, alleys or public grounds thereof, shall thereafter be subject to all the terms of the grant as though it were an extension made hereunder.

Regulations.

Section 198. The council shall at all times control the distribution of space in, over, under or across all streets or public grounds occupied by public utility fixtures. All rights granted for the construction and operation of public utilities shall be subject to the continuing right of the council to require such re-construction, re-location, change or discontinuance of the appliances used by the utility in the streets, alleys, avenues, and highways, of the city, as shall in the opinion of the council be necessary in the public interest.

Forfeitures.

Section 199. If any action shall be instituted or prosecuted directly or indirectly by the grantee of any such grant, or by any of its stockholders to set aside or have declared void any of the terms of any such grant the whole of such grant may be thereupon forfeited and annulled at the option of the city council to be expressed by ordinance. All such grants shall make provision for the declaration of a forfeiture by the city council for the violation by the grantee of any of the terms thereof.

NOMINATIONS AND ELECTIONS.

Time of Holding Elections.

Section 200. Regular municipal elections shall be held on the first Tuesday after the first Monday in November in the odd numbered years. Primary elections shall be held at

the time provided by the general laws of the state. Any matter which by the terms of the charter may be submitted to the electors of the city at any special election may be submitted at the time of a primary election or of a regular municipal election.

Ballots.

Section 201. The ballots used in all elections provided for in this charter shall be without party marks or designations. The whole number of ballots to be printed for any primary or regular election for the nomination or election of candidates for any office, shall be divided by the number of such candidates, and the quotient so obtained shall be the the number of ballots in each series of ballots to be printed. The names of the candidates shall be arranged in alphabetical order and the first series of ballots printed. The first name shall then be placed last and the next series of ballots printed, and this process shall be repeated until each name shall have been first. These ballots shall then be combined into tablets with no two of the same order of names together. One space shall be left below the printed names of the candidates for each office to be voted for, wherein the voter may write the name of any person for whom he may wish to vote.

Nomination of Councilmen.

Section 202. Candidates for the office of city councilman shall be nominated only by a non-partisan primary election. The name of any elector of the city shall be printed upon the primary ballot if there is filed with the election authorities a petition in accordance with the following provisions, to-wit:

(a) Such petitions shall state the name and place of residence of each person whose name is presented for a place upon the ballot and that he is a candiate for the office of City Councilman for the City of Columbus, Ohio.

(b) Such petitions shall be signed by electors of the city equal in number to one per cent of the total number of registered electors in the city.

(c) Such petitions shall contain a provision that each signer thereto thereby pledges himself to support and vote for the candidate or candidates whose names are therein presented for a place upon the ballot, and each elector signing a petition shall add to his signature his place of residence, with street and number, and date of signing, and may subscribe to one nomination for each of the places to be filled and no more. All signatures shall be made with ink or indelible pencil.

(d) The signatures of all the petitioners need not be appended to one paper, but to each separate paper there shall be attached an affidavit of the circular therof stating the number of signers thereto, that each person signed in his presence on the date mentioned, and that the signature is that of the person whose name it purports to be.

(e) Such petitions shall be filed with the election authorities not less than thirty days previous to the day of such election.

Acceptance.

Section 203. Any person whose name has been submitted for candidacy by any such petition shall file his acceptance of such candidacy with the election authorities not later than twenty-five days previous to such election; otherwise his name shall not appear upon the ballot.

Form of Primary Ballot.

Section 204. Except that the crosses here shown shall be omitted and that in place of the names of candidates and number of places to be filled, as here shown, there shall appear the names of candidates actually seeking nomination, and the number of places to be filled, the ballots shall be printed substantially as follows:

Primary Election. Nomination of Councilmen.

Instructions to Voters:—Vote for not more than the number of persons to be elected to office of councilmen by making cross in the square opposite and to the right of their names.

If you wrongly mark, tear or deface this ballot, return it to the judges and obtain another.

Names of Candidates Four to be nominated	
WILLIAM COE	X
JOHN DOE	
ARTHUR LOE	X
JAMES ROE	X
LAWRENCE ZOE	X

Election of Councilmen.

Section 205. The candidates for nomination to the office of city councilmen who shall receive the greatest vote in such primary election shall be placed on the ballot at the next regular municipal election in number not to exceed twice the number of vacancies in the city council to be filled, and the candidates at the regular municipal election, equal in number to the places to be filled, who shall receive the highest number of votes at such regular municipal election, shall be declared elected. A tie between two or more candidates for the office of city councilman shall be decided by lot under the direction of the election authorities, as provided by the general election laws of the state.

Nomination of Other Officers.

Section 206. The mode of nomination of the Mayor, City Attorney and Auditor provided for by this charter shall be by petition. The name of any elector of the city shall be printed upon the ballot, when a petition in the form hereinafter prescribed shall have been filed in his behalf with the election authorities. Such petition shall be signed by at least two per cent of the registered electors in the city.

Section 207. The signatures to a nominating petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof stating the number of signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. Each signer of a petition shall sign his name in ink or indelible pencil, and shall place on the petition after his name his place of residence by street and number and the date of signing.

Section 208. All nominating papers comprising a petition shall be assembled and filed with the election authorities, as one instrument, at least sixty (60) days prior to the date of holding the election with respect to which such petition is filed.

Section 209. Any person whose name has been submitted for candidacy by any such petition shall file his acceptance of such candidacy with the election authorities not later than fifty-five (55) days previous to such election; otherwise his name shall not appear upon the ballot.

Form of Ballots.

Section 210. Ballots used for the election of candidates shall contain a complete list of the offices to be filled, and the names of candidates for each office shall be arranged under the title thereof as herein before provided. The ballots shall be so printed, as to the election, of councilmen that the voter may designate the candidates, to the number to be elected, for whom he desires to vote, and shall be so printed as to the election of mayor, city attorney and auditor; that the voter may designate for each of said offices, the candidate of his first choice, the candidate of his second choice and such other candidates as he may desire to support.

Section 211. Except that the crosses here shown shall be omitted, and that in place of the titles of offices and names of candidates here shown there shall appear the titles of offices actually to be filled and the names of candidates nominated therefor, the ballots shall be printed substantially as follows:

FOR COUNCILMEN (Four to be elected)	
JOHN COE	X
KARL DOE	
MICHAEE HOE	X
LOUIS POE	X
RICHARD ROE	X

FOR MAYOR	FIRST CHOICE	SECOND CHOICE	OTHER CHOICES
EDWARD DALTON			X
THOMAS DEAN			
MARTIN ETANS	X		
JOHN JACKSON		X	
JAMES SMITH			X

FORM OF BALLOT.

Instructions to Voters.

(1) **As to Councilmen:** Vote for the candidate or candidates you wish to support by making a cross (X) in the square opposite and to the right of their names. You must not vote for more than the number to be elected.

(2) **As to Other Officers:** You may vote your first, second and other choices for any candidate by making a cross (X) in the appropriate column, in the square opposite and to the right of the name voted for. Vote your first choice in the first column. Vote your second choice in the second column. Vote in the third column for all the other candidates whom you wish to support. Do not vote for more than one first choice and one second choice for any office. Do not vote more than one choice for any candidate.

(3) If you wrongly mark, or tear or deface this ballot, return it to the judges and obtain another.

Counting of Votes.

Secion 212. In counting the ballots cast at any election of officers other than council, held under the authority of this charter, the precinct officers shall enter the total number of ballots on a tally sheet provided herefor. They shall also carefully enter on such tally sheet the number of first-choice, second-choice and other-choice votes for each candidate, and make return thereof to the election authorities provided by general law. Only one vote shall be counted for any one candidate on any one ballot, all but the highest choice of two or more choices on one ballot for the same candidate being void.

If but one choice is voted on a ballot it shall be counted as a first choice.

If more than one choice for the same office is voted in the first-choice column on any ballot, all such first choice choice votes shall be counted as other-choices.

If more than one choice for the same office is voted in the second-choice column on any ballot, all such second votes shall be counted as other-choices.

Except as hereinbefore provided all choices shall be counted as marked on the ballot.

Section 213. The candidate for any office receiving a majority of first-choice votes cast for candidates for that office shall be declared elected. If no candidate shall receive a majority of the first-choice votes for such office, then the second-choice votes received by each candidate for such office shall be added to the first-choice votes for each such candidate and the candidate receiving the largest number of first-choice and second-choice votes combined, if such votes constitute a majority, shall be declared elected. If no candidate shall have a majority, after adding the first-choice and second-choice votes, the other-choice votes received by each candidate shall be added to the combined first-choice and second-choice votes received by each such candidate and the candidate having the largest number of first-choice, second-choice and other-choice votes combined shall be elected to such office.

A tie between two or more candidates shall be decided in favor of the one having the largest number of first-choice votes. If two or more are equal in that respect the candidate among them having the largest number of second-choice votes shall be declared elected. In case all such candidates have an equal number of first-choice, second-choice and other-choice votes, respectively, the result shall be determined by lot under the direction of the election authorities provided by general law. Whenever the word "majority" is used in the preceding section it shall mean more than one-half of the total number of first-choice votes, cast at such election for the office in question.

Nomination and Election of Clerk of Municipal Court.

Section 214. The clerk of the municipal court shall be nominated and elected in the manner provided for the nomination and election of the mayor, city attorney and auditor.

THE RECALL.

Recall Petition.

Section 215. Any elective officer provided for in this charter may be removed from office by the electors by the following procedure:

A petition for the recall of the officer or officers designated, signed by at least one thousand of the electors of the city, and containing a statement in not more than two hundred words of the grounds of the recall, shall be filed with the city clerk, who shall forthwith notify the officer or officers sought to be removed, and he or they, within five days after such notice, may file with such city clerk a defensive statement in not exceeding two hundred words. The city clerk shall at once upon the expiration of said five days cause sufficient printed or typewritten copies of such petition, without the signatures, to be made, and to each of them he shall attach a printed or typewritten copy of such defensive statement, if one is furnished him within the time provided. He shall cause one copy of such petition to be placed on file in his office, and provide facilities for there

signing the same, and he shall also cause one copy to be placed in each of the several fire engine houses of the city, where the same shall be in the custody of the captain of the house, who shall provide facilities for there signing the same. The city clerk shall immediately cause notice to be published in the City Bulletin of the placing of such copies of such petition, together with a complete copy of the petition, without the signatures, and the defensive statement.

Such copies of such petition shall remain on file in the several places designated for the period of thirty days, during which time any of them may be signed by any elector of the city in person; but not by agent or attorney. Each signer of any of such copies shall sign his name in ink or indelible pencil, and shall place thereafter his residence by street and number.

Notice.

Section 216. At the expiration of said period of thirty days the city clerk shall assemble all of said copies in his office as one instrument, and shall examine the same and ascertain and certify thereon whether the signatures thereto amount to at least fifteen per cent the registered voters of city. If such signatures do amount to such per cent, he shall at once serve notice of that fact upon the officer or officers designated in the petition, and also deliver to the election authorities a copy of the original petition with his certificate as to the percentage of registered voters who signed the same and a certificate as to the date of his last mentioned notice to the officer or officers designated in the petition.

Recall Election.

Section 217. If the officer or officers, or any of them, designated in the petition, file with the city clerk within five days after the last mentioned notice from the city clerk, his or their written resignation, the said clerk shall at once notify the election authorities of that fact; and such resignation shall be irrevocable, and the vacancy shall be filled in the manner of filling vacancies provided in this charter. In the absence of any such resignation the election authorities shall forthwith order and fix a day for holding a recall election for the removal of those not resigning. Any such election shall be held not less than fifty (50) days nor more than ninety (90) days after the expiration of the period of five days last mentioned, and at the same time as any other general or special election held within such period; but if no such election be held within such period the election authorities shall call a special recall election to be held within the period aforesaid.

Ballots.

Section 218. The ballots at such recall election shall conform to the following requirements. With respect to each person whose removal is sought, the question shall be submitted: "Shall (name of person) be removed from the office of (title of office) by recall?" Immediately following each such question there shall be printed on the ballots the two propositions in the order here set forth:

"For the recall of (name of person)."

"Against the recall of (name of person)."

Immediately to the right of each of the propositions shall be placed a square in which the voters, by making a cross mark (X), may vote for either of such propositions.

Filling of Vacancies.

Section 219. In any such election, if a majority of the votes cast on the question of removal of any officer are affirmative, the person whose removal is sought shall thereupon be deemed removed from office upon the announcement of the official canvass of that election, and the vacancy caused by such recall shall be filled in the manner provided in this charter for filling vacancies caused by death or resignation.

If, however, an election is held for the recall of more than three councilmen, candidates to succeed them for their unexpired terms shall be voted upon at the same election, and shall be nominated without primary election, by petitions signed, dated and verified in the manner required for petitions presenting names of candidates for nomination at a primary election, and similar in form to such petitions, but signed by electors equal in number to at least

two per cent of the registered voters of the city, and filed with the election authorities at least thirty days prior to such recall election. But no such nominating petition shall be signed or circulated until after the time has expired for signing the copies of the petition for the recall, and any signatures thereon antedating such time shall not be counted.

Candidates shall not be nominated to succeed any particular councilman; but if only one councilman is removed at such election, the candidate at such election receiving the highest number of votes shall be declared elected to fill the vacancy for the unexpired term; and if more than one councilman is removed at such election, such candidates equal in number to the number of councilmen removed shall be declared elected to fill the vacancies; and among the successful candidates, those receiving the greater number of votes shall be declared elected for the longer terms. Cases of ties, and all other matters not herein specially provided for, shall be determined by the rules governing elections generally.

Effect of Resignations.

Section 220. No proceedings for the recall of all of the members of the city council at the same election shall be defeated in whole or in part by the resignation of any or all of them, but upon the resignation of any of them the city council shall have power to fill the vacancy until a successor is elected, and the proceedings for the recall and the election of successors shall continue and have the same effect as though there had been no resignation.

Miscellaneous Provisions.

Section 221. Except as herein otherwise provided, no petition to recall any officer shall be filed within six months after he takes office. No person removed by recall shall be eligible to be elected or appointed during a period of two years after the date of such recall. The city clerk shall preserve in his office all papers comprising or connected with a petition for a recall. The method of removal herein provided is in addition to such other methods other than recall as are, or may be, provided by general law.

Offenses Relating to Petitions.

Section 222. No person shall falsely impersonate another, or purposely write his name or residence falsely, in the signing of any petition for initiative, referendum or recall, or forge any name thereto, or sign any such paper with knowledge that he is not a qualified elector of the city. No person shall sign, or knowingly permit to be signed, any petition, for recall at any place other than one of the places hereinbefore designated for the signing of such petitions.

Section 223. No person shall, either in or within one hundred feet of any place so designated, either solicit any elector to sign such petition or attempt to prevent or dissuade him from signing the same. Nor shall any person employ or pay another, or accept employment or payment, for circulating any initiative or referendum petition upon the basis of the number of signatures procured thereto. Any person violating any of the provisions of this section or the next preceding section shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined in any sum not to exceed one hundred dollars and the costs of prosecution. The foregoing provisions shall not be held to be exclusive of, but in addition to, all laws of the state prescribing penalties for the same offenses or for other offenses relating to the same matter.

MISCELLANEOUS PROVISIONS.

Continuance of Present Officers.

Section 224. All persons holding office at the time this charter goes into effect shall continue in office and in the performance of their duties until provision shall have been otherwise made in accordance with this charter for the performance or discontinuance of the duties of any such office. When such provision shall have been made, the term of any such officer shall expire and the office be deemed abolished. The powers which are conferred and the duties which are imposed upon any officer, commission, board or department of the city under the laws of the state shall, if such office or department is abolished by this charter, be thereafter exercised and discharged by the officer, board or department [illegible] with the [illegible] election [illegible] such [illegible] as the [illegible] of the [illegible] required. [illegible] shall [illegible] elected [illegible] the [illegible] in the [illegible] shall be [illegible] not be elected for the [illegible] determined by the rules [illegible]

Effect of Resignation

Section 226. [illegible] members of the city council [illegible] election shall be [illegible] in whole or in part [illegible] of any or all [illegible] shall have [illegible] elected, and the [illegible] shall [illegible] the election [illegible] the same [illegible]

Miscellaneous Provisions

Section 227. [illegible] provided, no petition to recall [illegible] within six months after [illegible] of his recall shall be [illegible] after the date of [illegible] shall [illegible] in like manner [illegible] provided herein provided is in addition to [illegible] other than recall as [illegible] or may be provided by general law.

Offenses Relating to Petitions

Section 228. No person shall [illegible] impersonate any [illegible] other [illegible] in the signing of any [illegible] will or [illegible] such paper with knowledge that [illegible] of the city [illegible] person shall [illegible] to be signed, any petition for recall at any place other than one of the places [illegible] for the signing of such petitions.

Section 229. No person shall [illegible] within one hundred feet of any place [illegible] which any [illegible] such petition [illegible] prevent or dissuade him from signing [illegible] Nor shall any person employ or pay another [illegible] or payment for [illegible] position upon the basis of the number [illegible] Any person violating any of the [illegible] of this section of the [illegible] made [illegible] guilty of a misdemeanor and shall [illegible] in any sum not to exceed one hundred [illegible] of prosecution. The foregoing [illegible] shall be held to be exclusive [illegible] but in addition to all [illegible] prescribing penalties for the same offenses [illegible] offenses relating to the same subject.

MISCELLANEOUS PROVISIONS

Continuance of Present Officers

Section 230. All persons holding office at the time this charter goes into effect shall continue in office and in the performance of their duties until [illegible] shall have been otherwise made in accordance with this charter for the performance or discontinuance of the duties of any such office. When such provision shall have been made, the term of any such officer shall expire and the office be deemed abolished. The powers which are conferred and the duties which are imposed upon any officer, commission, board or department of the city under the laws of the state shall, if such office or department is abolished by this charter, be thereafter exercised and discharged by the officer, board or department upon whom are imposed corresponding functions, powers and duties hereunder.

Commencement of Terms of Officers.

Section 225. All officers whose election is provided for herein shall be first elected at the regular municipal election in the year 1915; the terms of all elective officers shall begin on the first day of January next following their election. The term of office of all members of boards and commissions herein provided for shall commence on the first day of February of the year wherein the terms of the present members expire, and the terms of such present members shall be regarded for the purpose of this charter as expiring on such first day of February, regardless of the precise time of their original appointment.

Officers shall hold their respective offices until their successors are chosen and qualified.

Oath of Office.

Section 226. Every officer of the city shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation, to be filed and kept in the office of the Auditor, that he will in all respects faithfully discharge the duties of his office.

Interest in Contracts or Supplies.

Section 227. No officer or employe of the city shall have a personal interest, direct or indirect, in any contract with the city or be personally interested, directly or indirectly, in the sale to the city of any supplies, material, service or land, except on behalf of the city as an officer or employe. Any wilful violation of this section shall constitute malfeasance in office,, and any officer or employe found guilty thereof shall thereby forfeit his office.

Continuance of Contracts.

Section 228. All contracts entered into by the city or for its benefit prior to the taking effect of this charter shall continue in full force and effect. All public work begun prior to the taking effect of this charter shall be continued and perfected hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect may be carried to completion in accordance with the provisions of such laws.

Ratification of Ordinances.

Section 229. All ordinances and resolutions in force at the time of the taking effect of this charter, not inconsistent with its provisions, shall continue in force until amended or repealed.

Hours of Labor.

Section 230. Except in case of extraordinary emergencies, not to exceed eight hours shall constitute a day's work, and not to exceed forty-eight hours a week's work, for workmen engaged on any public work carried on or aided by the municipality, whether done by contract or otherwise. The council shall, by ordinance, provide for the enforcement of the provisions of this section.

Annual Reports.

Section 231. The various officers, boards and heads of departments shall annually report to council, in comprehensive and systematized detail, the financial and other transactions of the departments or divisions thereof under their supervision or control. Such reports shall cover the such period of time and be made in the manner and at the time that council shall by ordinance prescribe. Such reports shall when so made be grouped and published in book form as the annual report of the city.

General Laws to Apply.

Section 232. All general laws of the state applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this charter, or with ordinances or resolutions hereafter enacted by the city council, shall be applicable to this city; provided, however, that nothing contained in this charter shall be construed as limiting the power of the city council to enact any ordinance or resolution not in conflict with the constitution of the state or with the express provisions of this charter.

Saving Clause.

Section 233. If any section or part of a section of this [illegible] in which are imposed corresponding functions, powers and [illegible] [illegible]

[illegible] Terms of Office.

[illegible] 292. All officers whose election is provided for [illegible] shall be elected at the regular municipal election [illegible] The terms of the respective officers shall begin [illegible] first day of [illegible] next following their election [illegible] or appointment [illegible] commissions [illegible] provided for [illegible] day of [illegible] of the [illegible] members [illegible] present members shall be [illegible] of this charter [illegible] [illegible] respective [illegible] of their [illegible] [illegible] shall hold [illegible] until their successors [illegible] elected and qualified.

[illegible] of Office.

Section 293. Every officer [illegible] shall, before entering upon the duties of his office, [illegible] and subscribe to an oath or affirmation [illegible] the office of the [illegible] he will in all [illegible] faithfully discharge the [illegible] of his office.

[illegible] in Contracts or Service.

Section 294. [illegible] the city [illegible] [illegible] contract with [illegible] directly or indirectly [illegible] material, service [illegible] [illegible] or entity [illegible] [illegible] bond [illegible] [illegible]

Continuance of Contracts.

Section 295. All contracts entered into by the city or for its benefit prior to the taking effect of this charter shall continue in full force and effect. All public work begun prior to the taking effect of this charter shall be continued and perfected [illegible] legislative steps shall have been taken under laws in force at the time this charter takes effect [illegible] completion in accordance with the provisions of such laws.

Ratification of Ordinances.

Section 296. All ordinances and resolutions in force at the time of the taking effect of this charter [illegible] with its provisions shall continue in force until amended or repealed.

Hours of Labor.

Section 297. Except in case of extraordinary emergency, not to exceed eight hours [illegible] shall constitute a day's work, and not to exceed forty [illegible] a week's work, for workmen engaged in any public work carried on or aided by the municipality, whether done by contract or otherwise. The council shall by ordinance [illegible] the enforcement of the provisions of this section.

Annual Reports.

Section 298. The [illegible] and heads of departments shall annually [illegible] income, expenditures and accomplishments [illegible] and other transactions of the departments [illegible] under their supervision or control [illegible] such period of time and be made in the manner and at the time that council shall by ordinance prescribe. Such reports shall [illegible] be grouped and published in book form as the annual report of the city.

General Laws to Apply.

Section 299. All general laws of the state applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this charter or with ordinances or resolutions hereafter enacted by the council, shall be applicable to this city, provided, however, that nothing contained in this charter shall be construed as limiting the power of the city council to enact any ordinance or resolution not in conflict with the constitution of the state or with the express provisions of this charter.

Saving Clause.

Section 300. If any section or part of a section of this charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section of this charter, unless it clearly appear that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held unconstitutional or invalid.

Amendments.

Section 234. Amendments to this charter may be submitted to the electors of the city by a two-thirds vote of the council, and shall be submitted by the council upon a petition signed by ten (10) per cent of the electors of the city, setting forth any such proposed amendment. The ordinance providing for the submission of any such amendment shall be submitted to the electors at the next regular municipal election if one shall occur not less than sixty (60) nor more than one hundred and twenty (120) days after its passage; otherwise it shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid. Not less than thirty (30) days prior to such election the city clerk shall mail a copy of the proposed amendment to each elector whose name appears upon the registration books of the last regular municipal or general election. If such proposed amendment be approved by a majority of the electors voting thereon it shall become a part of the charter at time fixed therein.

When Charter Takes Effect.

Section 235. For the purpose of nominating and electing officers and all purposes connected therewith, and for the purpose of exercising such legislative powers as are necessary to be exercised by the present council preliminary to the organization of departments, divisions and offices herein provided, this charter shall take effect on the first day of January, 1915. For the purpose of establishing departments, divisions and officers, and distributing the functions thereof, and for all other purposes it shall take effect on the first day of January, 1916.

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